

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 1. General Provisions

§102. Definitions and Abbreviations

As used in these regulations, these terms have the definitions set forth below. Additional definitions used only in a certain chapter may be found in that chapter.

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[See Prior Text]

Act—~~Act 97 of 1983, now the Louisiana Environmental Quality Act, (R.S. 30:2101-2001 et seq).~~ the Louisiana Environmental Quality Act, (R.S. 30:2101-2001 et seq).

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[See Prior Text]

Administrative Authority—the secretary of the Department of Environmental Quality or ~~his or her~~ designee or the appropriate assistant secretary or his designee.

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[See Prior Text]

Authorized Nuclear Pharmacist—a pharmacist who is:

1. board certified as a nuclear pharmacist by the Board of Pharmaceutical Specialties;
2. identified as an authorized nuclear pharmacist on a ~~division~~department, licensing state, Nuclear Regulatory Commission, or agreement state license that authorizes the use of radioactive material in the practice of nuclear pharmacy; or
3. identified as an authorized nuclear pharmacist on a permit issued by a ~~division~~the department, licensing state, Nuclear Regulatory Commission, or agreement state specific licensee of broad scope authorized to permit the use of radioactive material in the practice of nuclear pharmacy.

Authorized User—a physician, dentist, or podiatrist who is:

1. board certified by at least one of the boards listed in LAC 33:XV.763.C.1, D.1, E.1, F.1, H.1, or I.1;
2. identified as an authorized user on a ~~division~~department, licensing state, Nuclear Regulatory Commission, or agreement state license that authorizes the medical use of radioactive material; or

3. identified as an authorized user on a permit issued by ~~a division~~the department, licensing state, Nuclear Regulatory Commission, or agreement state specific licensee of broad scope authorized to permit the medical use of radioactive material.

Background Radiation—radiation from cosmic sources; naturally occurring radioactive materials, including radon, except as a decay product of source or special nuclear material, and including global fallout as it exists in the environment from the testing of nuclear explosive devices. Background radiation does not include sources of radiation from radioactive materials regulated by the ~~division~~department.

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[See Prior Text]

Depleted Uranium—the source material uranium in which the isotope uranium-235 is less than 0.711 weight percent of the total uranium present. Depleted uranium does not include special nuclear material.

Division—~~the Radiation Protection Division of the Office of Air Quality and Radiation Protection of the Department of Environmental Quality.~~

Dose—a generic term that means absorbed dose, dose equivalent, effective dose equivalent, committed dose equivalent, committed effective dose equivalent, total organ dose equivalent, or total effective dose equivalent. For purposes of these regulations, *radiation dose* is an equivalent term.

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[See Prior Text]

Emergency—any condition existing outside of the bounds of nuclear operating sites owned or licensed by a federal agency, and further any condition existing within or outside of the jurisdictional confines of a facility licensed or registered by the ~~office~~department and arising from the presence of by-product material, source material, special nuclear material, or any other radioactive material or source of radiation that is endangering or could reasonably be expected to endanger the health and safety of the public or to contaminate the environment (R.S. 30:2105).

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[See Prior Text]

Inspection—an official examination or observation including, but not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements, and conditions of the ~~office~~department and/or administrative authority.

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[See Prior Text]

Licensed (or Registered) Material—radioactive material received, possessed, used, transferred, or disposed of under a general or specific license (or registration) issued by the ~~division~~department.

Licensee—any person who is licensed by the ~~office~~department in accordance with the act and regulations promulgated by the administrative authority (R.S. 30:2105).

Licenses—general licenses and specific licenses.

1. *General License*—a license effective pursuant to regulations promulgated by the administrative authority without the filing of an application to transfer, acquire, own, possess, or use quantities of, or devices or equipment utilizing, by-product, source or special nuclear materials, technologically enhanced natural radioactive material, or other radioactive material occurring naturally or produced artificially.

2. *Specific License*—a license issued after application to the ~~office~~department to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing by-product, source, or special nuclear materials, technologically enhanced natural radioactive material, or other radioactive material occurring naturally or produced artificially (R.S. 30:2105).

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[See Prior Text]

Occupational Dose—the dose received by an individual in the course of employment in which the individual's assigned duties for the licensee or registrant involve exposure to sources of radiation and/or radioactive material from licensed and unlicensed sources of radiation, whether in the possession of the licensee, registrant, or other person. Occupational dose does not include dose received: from background radiation, from any medical administration the individual has received, from exposure to individuals administered radioactive material and released in accordance with LAC 33:XV.725, from voluntary participation in medical research programs, or as a member of the public.

Office—~~the Office of Air Quality and Radiation Protection within the Department of Environmental Quality.~~

Ore Refineries—all processors of ore containing natural radioactivity.

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[See Prior Text]

Qualified Expert—an individual who has demonstrated to the satisfaction of the ~~division~~department that he or she possesses the knowledge and training to measure ionizing radiation parameters, to evaluate safety techniques, and to advise regarding radiation protection needs.

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[See Prior Text]

Registrant—any person who owns or possesses any radioactive material or device capable of emitting radiation and who is legally obligated to register with the ~~office~~department pursuant to these regulations and the act.

* * *

[See Prior Text]

Worker—an individual engaged in work under a license or registration issued by the ~~office~~department and controlled by a licensee or registrant, but not including the licensee or registrant.

* * *

[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 19:1421 (November 1993), LR 20:650 (June 1994), LR 22:967 (October 1996), LR 24:2089 (November 1998), repromulgated LR 24:2242 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§105. Inspections

A. Each licensee and registrant shall afford the ~~division~~department, at all reasonable times, opportunity to inspect sources of radiation and the premises and facilities wherein such sources of radiation are used or stored.

B. Each licensee and registrant shall make available to the ~~division~~department for inspection, upon reasonable notice, records maintained pursuant to these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§106. Tests

A. Each licensee and registrant shall perform, upon instructions from the ~~division~~department, or shall permit the ~~division~~department to perform, such reasonable tests as the ~~division~~department deems appropriate or necessary including, but not limited to, tests of:

* * *

[See Prior Text A.1-4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§110. Prohibited Uses

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[See Prior Text in A-C]

D. Sources of radiation shall not be used for the purpose of screening or inspecting individuals for concealed weapons, hazardous materials, stolen property, illegal goods, or contraband without prior written approval from the ~~division~~department.

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[See Prior Text in E-Note]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§111. Interpretations

Except as specifically authorized by the ~~division~~department in writing, no interpretation of the meaning of these regulations by any officer or employee of the ~~division~~department will be recognized to be legally binding upon the ~~division~~department in any manner whatsoever.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§113. Appeal Procedure, Administrative Review

A. Any person affected by the regulatory actions of the ~~division~~department or administrative authority shall comply with R.S. 30:2024.

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[See Prior Text in B]

1. Any person who alleges that he or she has been aggrieved by the final actions or decision of the ~~division~~department or administrative authority may make application to the administrative authority, in writing, within 20 days after the occurrence of the alleged grievance or 20 days after the promulgation of any directive, order, decision or other written decision or declaration of the ~~Radiation Protection Division~~ or administrative authority.

* * *

[See Prior Text in B.2-F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§115. Communications

All communications and reports concerning these regulations, and applications filed thereunder, should be addressed to the ~~division~~department at its offices located in Baton Rouge, Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§116. Public Participation in Licensing Actions

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[See Prior Text in A-A.1]

a. A complete application as specified by the ~~division~~department and/or the administrative authority must be filed with appropriate fees, if required. Applications that lack necessary information for proper evaluation will be returned to the applicant within 60 days of receipt of application with a list of additional data required.

b. Applications that are deemed by the ~~division~~department to be complete will be accepted for review. The applicant will be notified of such acceptance for review within 60 days of receipt of the application.

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[See Prior Text in A.2-4.c]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR:**.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 2. Registration of Radiation Machines and Facilities

§204. Application for Registration of Radiation Machines and Facilities

A. Each person having a radiation machine or facility not presently registered shall do the following:

1. apply for registration of such facility and each radiation machine with the ~~division~~ Office of Environmental Services, Permits Division prior to the operation of a radiation machine facility. Application for registration shall be completed on Form DRC-6 furnished by the ~~division~~ department upon request in writing and shall contain all the information required by the form and accompanying instructions. The registration of the first radiation producing machine at a facility constitutes registration of the facility itself;

* * *

[See Prior Text in A.2]

3. each registrant shall prohibit any person from furnishing radiation machine servicing or services as described in LAC 33:XV.205.A to his or her radiation machine facility until such person provides satisfactory evidence that he or she has been registered with the ~~division~~ department as a provider of services in accordance with LAC 33:XV.205.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§205. Application for Registration of Servicing and Services

A. Each person who is engaged in the business of installing or offering to install radiation machines or is engaged in the business of furnishing or offering to furnish radiation machine servicing or services in this state shall apply for registration of such services with the ~~division~~ Office of Environmental Services, Permits Division within 30 days after the effective date of this Chapter or thereafter prior to furnishing or offering to furnish any such services.

B. Application for registration shall be completed on Form DRC-22 furnished by the ~~division~~ Office of Environmental Services, Permits Division upon request in writing and shall contain all information required by the form and accompanying instructions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation

Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§206. Issuance of Registration Certificate

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[See Prior Text in A]

B. The ~~division~~department may incorporate in the registration certificate, at the time of the issuance or thereafter by appropriate rule, regulation, or order, such additional requirements, affirmative obligations, and conditions with respect to the registrant's receipt, possession, use, and transfer of sources of radiation as it deems appropriate or necessary.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§207. Expiration of Registration Certificate

Except as provided by LAC 33:XV.208.B, each registration certificate shall expire at the end of 60 days after notification of expiration by the ~~division~~department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§208. Renewal of Registration Certificate

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[See Prior Text in A]

B. In any case in which a registrant, not less than 30 days prior to the expiration of his or her existing registration certificate, has filed Form DRC-6 application in proper form for renewal, such existing registration certificate shall not expire until the application status has been finally determined by the ~~division~~department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§209. Report of Changes

The registrant shall notify the ~~division~~Office of Environmental Services, Permits Division in writing before making any change that would render the information contained in the application for registration and/or registration certificate no longer accurate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§210. Approval Not Implied

No person, in any advertisement, shall refer to the fact that a facility or machine is registered with the ~~division~~department pursuant to the provisions of LAC 33:XV.204, and no person shall state or imply that any activity under such registration has been approved by the ~~division~~department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§211. Assembler and/or Transferor Obligation

A. Any person who sells, leases, transfers, lends, disposes, assembles, or installs radiation machines in this state shall notify the ~~division~~Office of Environmental Services, Permits Division at 15-day intervals of:

* * *

[See Prior Text in A.1-C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§212. Out-of-State Radiation Machines

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[See Prior Text in A]

1. the person proposing to bring such machine into the state shall give written notice to the ~~division~~Office of Environmental Services, Permits Division at least three working days before such machine is to be used in the state. Additional requirements for work involving industrial radiography at temporary job sites may be found in LAC 33:XV.Chapter 5. The notice shall include:

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[See Prior Text in A.1.a-c]

2. if, for a specific case, the three-working-day period would impose an undue hardship on the person, upon written application to the ~~division~~Office of Environmental Services, Permits Division, permission to proceed sooner may be granted.

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[See Prior Text in B-B.1]

2. supply the ~~division~~department with such other information as the ~~division~~department may reasonably request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§213. Modification, Revocation, and Termination of Registration Certificate

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[See Prior Text in A-C]

D. The ~~division~~department will terminate a registration certificate upon written request by the registrant, provided the registrant no longer possesses the registered device or provided the registrant has rendered the unit permanently incapable of producing radiation. The registrant shall notify the ~~division~~Office of Environmental Services, Permits Division within 60 days of the final disposition of the X-ray machine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 3. Licensing of Radioactive Material

Subchapter B. Licenses

§320. Types of Licenses

A. Licenses for radioactive materials are of two types: general and specific.

1. General licenses provided in this Chapter are effective without the filing of application with the ~~division~~Office of Environmental Services, Permits Division or the issuance of licensing documents to the particular persons, although the filing of certain information with the ~~division~~Office of Environmental Services, Permits Division may be required by the particular general license. The general licensee is subject to all other applicable portions of these regulations and to any limitations of the general license.

2. Specific licenses require the submission of an application to the ~~division~~Office of Environmental Services, Permits Division and the issuance of a licensing document by the administrative authority. The licensee is subject to all applicable portions of these regulations as well as to any limitations specified in the licensing document.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter C. General Licenses

§321. General Licenses: Source Material

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[See Prior Text in A-B]

C. Persons who receive, possess, use, or transfer source material pursuant to the general license in LAC 33:XV.321.A.1 are prohibited from administering source material or the radiation therefrom, either externally or internally, to human beings except as may be authorized by the ~~division~~department in a specific license.

* * *

[See Prior Text in D-E.3]

a. Persons who receive, acquire, possess, or use depleted uranium pursuant to the general license established by LAC 33:XV.321.E.1 shall file Form DRC-21, "General License Certificate—Use of Depleted Uranium Under General License," with the ~~division~~Office of Environmental Services, Permits Division. Form DRC-21 will be furnished by the ~~division~~Office of Environmental Services, Permits Division upon written request. The form shall be submitted within 30 days after the first receipt or acquisition of such depleted uranium. The general licensee shall furnish on Form DRC-21 the following information and such other information as may be required by that form:

* * *

[See Prior Text in E.3.a.i-iii]

b. The licensee possessing or using depleted uranium under the general license established by LAC 33:XV.321.E.1 shall report in writing to the ~~division~~Office of Environmental Services, Permits Division any changes in information furnished by him in Form DRC-21, "General License Certificate—Use of Depleted Uranium Under General License." The report shall be submitted within 30 days after the effective date of such change.

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[See Prior Text in E.4-4.c]

d. within 30 days of any transfer, shall report in writing to the ~~division~~Office of Environmental Services, Permits Division, the name and address of the person receiving the depleted uranium pursuant to such transfer; and

* * *

[See Prior Text in E.4.e-5]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§322. General Licenses: Radioactive Material Other Than Source Material

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[See Prior Text in A-D.3.d]

e. upon the occurrence of a failure of or damage to, or any indication of a possible failure of or damage to, the shielding of the radioactive material or the on-off mechanism or indicator, or upon the detection of 0.005 microcurie or more of removable radioactive material, immediately suspend operation of the device until it has been repaired by the manufacturer or other person holding an applicable specific license from the administrative

authority, the U.S. Nuclear Regulatory Commission, or any other agreement state or licensing state to repair such devices, or disposed of by transfer to a person authorized by an applicable specific license to receive the radioactive material contained in the device and, within 30 days, furnish to the ~~division~~Office of Environmental Compliance, Surveillance Division a report containing a brief description of the event and the remedial action taken;

* * *

[See Prior Text in D.3.f]

g. except as provided in LAC 33:XV.322.D.3.h, transfer or dispose of the device containing radioactive material only by transfer to a specific licensee of the ~~division~~department, the U.S. Nuclear Regulatory Commission, or any other agreement state or licensing state whose specific license authorizes him or her to receive the device and within 30 days after transfer of a device to a specific licensee shall furnish to the ~~division~~Office of Environmental Services, Permits Division a report containing identification of the device by manufacturer's name and model number and the name and address of the person receiving the device. No report is required if the device is transferred to the specific licensee in order to obtain a replacement device;

* * *

[See Prior Text in D.3.h]

i. where the device remains in use at a particular location. In such case the transferor shall give the transferee a copy of this regulation and any safety documents identified in the label on the device and within 30 days of the transfer, report to the ~~division~~Office of Environmental Services, Permits Division the manufacturer's name and model number of device transferred, the name and address of the transferee, and the name and/or position of an individual who may constitute a point of contact between the ~~division~~department and the transferee; or

* * *

[See Prior Text in D.3.h.ii-J.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter D. Specific Licenses

§324. Filing Application for Specific Licenses

A. Applications for specific licenses shall be filed on a form prescribed by the ~~division~~Office of Environmental Services, Permits Division or in any other manner specified by the ~~division~~department.

B. The ~~division~~department may at any time after the filing of the original application, and before the expiration of the license, require further statements in order to enable the ~~division~~department to determine whether the application should be granted or denied or whether a license should be modified or revoked.

* * *

[See Prior Text in C-D]

E. In the application, the applicant may incorporate by reference information contained in previous applications, statements, or reports filed with the ~~division~~department, provided such references are clear and specific.

F. Applications and documents submitted to the ~~division~~department shall be available for public inspection unless the administrative authority makes a written determination of confidentiality in accordance with LAC 33:I.Chapter 5.

G. If the department determines that any material should not be afforded confidentiality, ~~the division shall issue~~ a written denial of the request will be issued to the requestor in accordance with LAC 33:I.Chapter 5.

* * *

[See Prior Text in H-J.6]

7. Responsibilities. A brief description of the responsibilities of licensee personnel should an accident occur, including identification of personnel responsible for promptly notifying off-site response organizations and the ~~division~~department. Also, responsibilities for developing, maintaining, and updating the plan will be included;

8. Notification and Coordination. A commitment to and a brief description of the means to promptly notify off-site response organizations and request off-site assistance, including medical assistance for the treatment of contaminated injured on-site workers when appropriate. A control point must be established. The notification and coordination must be planned so that unavailability of some personnel, parts of the facility, and some equipment will not prevent the notification and coordination. The licensee shall also commit to notify the ~~division~~Office of Environmental Compliance by telephone at (225) 765-0160 immediately after notification of the appropriate off-site response organizations and not later than one hour after the licensee declares an emergency¹;

9. Information to be Communicated. A brief description of the types of information on facility status, radioactive releases, and recommended protective actions, if necessary, to be given to off-site response organizations and to the ~~division~~department;

* * *

[See Prior Text in J.10-13]

K. The licensee shall allow the off-site response organizations expected to respond in case of accident 60 days to comment on the licensee's emergency plan before submitting it to the ~~division~~Office of Environmental Services, Permits Division. The licensee shall provide any comments received within the 60 days to the ~~division~~Office of Environmental Services, Permits Division with the emergency plan.

¹These reporting requirements do not supersede or release licensees of complying with requirements under the Emergency Planning and Community Right-to-Know Act of 1986, Title III, Pub. L. 99-499 or other state or federal reporting requirements.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 20:179 (February 1994), amended by the Office of the Secretary, LR 22:345 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:***.

§325. General Requirements for the Issuance of Specific Licenses

A. A license application will be approved if the ~~division~~department determines that:

* * *

[See Prior Text in A.1-4]

B. Environmental Report, Commencement of Construction. In the case of an application for a license to receive and possess radioactive material for commercial waste disposal by land burial, or for the conduct of any other activity that the ~~division~~department determines will significantly affect the quality of the environment, construction of the plant or facility in which the activity will be conducted shall not commence until the ~~division~~department has concluded, after weighing the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, that the action called for is the issuance of the proposed license, with any appropriate conditions to protect environmental values. Commencement of construction prior to such conclusion shall be grounds for denial of a license to receive and possess radioactive material in such plant or facility. As used in this Section the term *commencement of construction* means any clearing of land, excavation, or other substantial action that would adversely affect the environment of a site. The term does not mean site exploration, necessary roads for site exploration, borings to determine foundation conditions, or other preconstruction monitoring or testing to establish background information related to the suitability of the site or the protection of environmental values.

* * *

[See Prior Text in C-C.1]

a. The amount of funds to be ensured by such financial assurance arrangements shall be based on ~~division~~department-approved cost estimates.

* * *

[See Prior Text in C.1.b.-D.2.a]

b. submit a certification that financial assurance arrangement for decommissioning has been provided in the amount prescribed by Subsection D.4 of this Section using one of the methods described in Subsection D.6 of this Section. For an applicant, this certification may state that the appropriate assurance will be obtained after the application has been approved and the license issued, but prior to the receipt of licensed material. If the applicant defers execution of the financial instrument until after the license has been issued, a signed original of the financial instrument obtained to satisfy the requirements of Subsection D.6 of this Section shall be submitted to the ~~division~~Office of Environmental Services, Permits Division before receipt of licensed material. If the applicant does not defer execution of the financial instrument, the applicant shall submit to the ~~division~~Office of Environmental Services, Permits Division, as part of the certification, a copy of the financial instrument obtained to satisfy the requirements of Subsection D.6 of this Section .

* * *

[See Prior Text in D.3-6.b]

i. The financial assurance method or insurance must be open-ended or, if written for a specified term, such as five years, must be renewed automatically unless 90 days or more prior to the renewal date, the issuer notifies the ~~division~~Office of Environmental Services, Permits Division, the beneficiary, and the licensee of its intention not to renew. The financial assurance method or insurance must also provide that the full face amount be paid to the beneficiary automatically prior to the expiration without proof of forfeiture if the licensee fails to provide a replacement acceptable to the ~~division~~department within 30 days after receipt of notification of cancellation.

ii. The financial assurance method or insurance must be payable to a trust established for decommissioning costs. The trustee and trust must be acceptable to the ~~division~~department. An acceptable trustee includes an appropriate state or federal government agency or an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

iii. The financial assurance method or insurance must remain in effect until the ~~division~~department has terminated the license.

* * *

[See Prior Text in D.6.c-d]

7. Each person licensed under this Chapter shall keep records of information important to the safe and effective decommissioning of the facility in an identified location until the site is released for unrestricted use. Before licensed activities are transferred or assigned in accordance with LAC 33:XV.331.B, licensees shall transfer all records described in this Paragraph to the new licensee. In this case, the new licensee will be responsible for maintaining these records until the license is terminated. If records important to the decommissioning of a facility are kept for other purposes, reference to these records and their locations may be used.

Information the ~~division~~department considers important to decommissioning consists of the following:

* * *

[See Prior Text in D.7.a-d.iv]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 23:1140 (September 1997), amended LR 24:2091 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1018 (May 2000), LR 26:**.

§326. Special Requirements for Issuance of Certain Specific Licenses for Radioactive Material

A. Specific Licenses for Irradiators. The ~~division~~department shall approve an application for a specific license for the use of licensed material in an irradiator in accordance with LAC 33:XV.Chapter 17, if the applicant meets the following requirements:

* * *

[See Prior Text in A.1-2.c]

d. means employed by the applicant to test each operator's understanding of the ~~division's~~department's regulations and licensing requirements and the irradiator operating, safety, and emergency procedures; and

* * *

[See Prior Text in A.2.e-5]

6. if the applicant intends to perform leak testing, the applicant shall establish procedures for performing leak testing of dry-source-storage sealed sources and submit a description of these procedures to the ~~division~~department. The description shall include:

* * *

[See Prior Text in A.6.a-d]

7. if licensee personnel are to load or unload sources, the applicant shall describe the qualifications and training of the personnel and the procedures to be used. If the applicant intends to contract for source loading or unloading at its facility, the loading or unloading shall be done by a person specifically authorized by the ~~division~~department, the Nuclear Regulatory Commission, an agreement state, or a licensing state to load or unload irradiator sources; and

* * *

[See Prior Text in A.8-E.1]

a. The applicant will have an adequate program for training radiographers and submits to the ~~division~~Office of Environmental Services, Permits Division a schedule or description of such program that specifies the:

* * *

[See Prior Text in E.1.a.i-iv]

b. The applicant has established and submits to the ~~division~~Office of Environmental Services, Permits Division satisfactory written operating and emergency procedures as described in LAC 33:XV.576.

* * *

[See Prior Text in E.1.c]

d. The applicant submits to the ~~division~~Office of Environmental Services, Permits Division a description of his or her overall organizational structure pertaining to the industrial radiography program, including specified delegations of authority and responsibility for operation of the program.

e. The applicant who desires to conduct his or her own leak tests has established adequate procedures to be followed in leak testing sealed sources for possible leakage and contamination and submits to the ~~division~~Office of Environmental Services, Permits Division a description of such procedures including:

* * *

[See Prior Text in E.1.e.i-f]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2092 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§328. Special Requirements for Specific License to Manufacture, Assemble, Repair, or Distribute Commodities, Products, or Devices that Contain Radioactive Material

* * *

[See Prior Text in A-A.1]

a. the applicant submits to the Office of Environmental Services, Permits Division a description of the product or material into which the radioactive material will be introduced, the intended use of the radioactive material, and the product or material into which it is introduced, method of introduction, initial concentration of the radioactive material in the product or material, control methods to assure that no more than the specified concentration is introduced into the product or material, estimated time interval between introduction and transfer

of the product or material, and estimated concentration of the radioactive material in the product or material at the time of transfer.

* * *

[See Prior Text in A.1.b]

2. Each person licensed under LAC 33:XV.328.A shall file an annual report with the ~~division~~Office of Environmental Services, Permits Division that shall identify the type and quantity of each product or material into which radioactive material has been introduced during the reporting period; name and address of the person who owned or possessed the product or material into which radioactive material has been introduced, at the time of introduction; the type and quantity of radionuclide introduced into each such product or material; and the initial concentrations of the radionuclide in the product or material at time of transfer of the radioactive material by the licensee. If no transfers of radioactive material have been made pursuant to LAC 33:XV.328.A during the reporting period, the report shall so indicate. The report shall cover the year ending June 30 and shall be filed within 30 calendar days thereafter.

* * *

[See Prior Text in B-B.1.a.ii]

iii. the applicant submits copies of prototype labels and brochures, and the ~~division~~Office of Environmental Services, Permits Division approves such labels and brochures.

* * *

[See Prior Text in B.1.b-b.iv.(c)]

c. Each person licensed under LAC 33:XV.328.B shall maintain records identifying, by name and address, each person to whom radioactive material is transferred for use under LAC 33:XV.304.B or the equivalent regulations of the licensing state and stating the kinds and quantities of radioactive material transferred. An annual summary report stating the total quantity of each radionuclide transferred under the specific license shall be filed with the ~~division~~Office of Environmental Services, Permits Division. Each report shall cover the year ending June 30 and shall be filed within 30 calendar days thereafter. If no transfers of radioactive material have been made pursuant to LAC 33:XV.328.B during the reporting period, the report shall so indicate.

* * *

[See Prior Text in C-D.1.a]

b. the applicant submits to the Office of Environmental Services, Permits Division sufficient information relating to the design, manufacture, prototype testing, quality control, labels, proposed uses, installation, servicing, leak testing, operating and safety instructions, and potential hazards of the device to provide reasonable assurance of the following:

* * *

[See Prior Text in D.1.b.i-iii.(c)]

c. Each device bears a durable, legible, clearly visible label or labels approved by the ~~division~~department that contain in a clearly identified and separate statement:

* * *

[See Prior Text in D.1.c.i-iii.(b)]

2. In the event the applicant desires that the device be required to be tested at intervals longer than six months, either for proper operation of the on-off mechanism and indicator, if any, or for leakage of radioactive material, or for both, the applicant shall include in his or her application sufficient information to demonstrate that such longer interval is justified by performance characteristics of the device or similar devices and by design features that have a significant bearing on the probability or consequences of leakage of radioactive material from the device or failure of the on-off mechanism and indicator. In determining the acceptable interval for the test for leakage of radioactive material, the ~~division~~department will consider information that includes, but is not limited to:

* * *

[See Prior Text in D.2.a-4.b]

c. report to the ~~division~~Office of Environmental Services, Permits Division all transfers of such devices to persons for use under the general license in LAC 33:XV.322.D. Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the ~~division~~department and the general licensee, the type and model number of device transferred, and the quantity and type of radioactive material contained in the device. If one or more intermediate persons will temporarily possess the device at the intended place of use prior to its possession by the user, the report shall include identification of each intermediate person by name, address, contact, and relationship to the intended user. If no transfers have been made to persons generally licensed under LAC 33:XV.322.D during the reporting period, the report shall so indicate. The report shall cover each calendar quarter and shall be filed within 30 days thereafter.

* * *

[See Prior Text in D.4.d-J.1.a]

b. the applicant submits to the Office of Environmental Services, Permits Division evidence that the applicant is at least one of the following:

* * *

[See Prior Text in J.1.b.i-iv]

c. the applicant submits to the Office of Environmental Services, Permits Division information on the radionuclide, chemical and physical form, packaging including

maximum activity per package, and shielding provided by the radioactive material that is appropriate for safe handling and storage of radiopharmaceuticals by group licensees; and

* * *

[See Prior Text in J.1.d-2.c]

d. may designate a pharmacist (as defined in LAC 33:XV.102) as an authorized nuclear pharmacist if the individual is identified as of December 2, 1994, as an *authorized user* on a nuclear pharmacy license issued by the ~~division~~department under these regulations; and

e. shall provide to the ~~division~~Office of Environmental Services, Permits Division a copy of each individual's certification by the Board Of Pharmaceutical Specialties and the ~~division~~department, licensing state, Nuclear Regulatory Commission, or agreement state license or the permit issued by a licensee of broad scope and a copy of the state pharmacy licensure or registration, no later than 30 days after the date that the licensee allows the individual to work as an authorized nuclear pharmacist, in accordance with Subsection J.2.b.i and iii of this Section.

* * *

[See Prior Text in J.3-K.1.e.ii]

(a). states that the contents are exempt from ~~division~~department licensing requirements; and

* * *

[See Prior Text in K.1.e.ii.(b)]

f. the applicant submits copies of prototype labels and brochures and the ~~division~~department approves these labels and brochures.

* * *

[See Prior Text in K.2-L.1.a]

b. the applicant submits to the Office of Environmental Services, Permits Division sufficient information regarding each type of source or device pertinent to an evaluation of its radiation safety, including:

* * *

[See Prior Text in L.1.b.i-2.a]

b. In determining the acceptance interval for tests of leakage of radioactive material, the ~~division~~department will consider information that includes, but is not limited to:

* * *

[See Prior Text in L.2.b.i-M.1.a]

b. the applicant submits to the Office of Environmental Services, Permits Division sufficient information relating to the design, manufacture, prototype testing, quality control procedures, labeling or marking, proposed uses, and potential hazards of the industrial product or device to provide reasonable assurance that possession, use, or transfer of the depleted uranium in the product or device is not likely to cause any individual to receive in any period of one calendar quarter a radiation dose in excess of 10 percent of the limits specified in LAC 33:XV.410.A; and

c. the applicant submits to the Office of Environmental Services, Permits Division sufficient information regarding the industrial product or device and the presence of depleted uranium for a mass-volume application in the product or device to provide reasonable assurance that unique benefits will accrue to the public because of the usefulness of the product or device;

* * *

[See Prior Text in M.2-4.d.ii]

e. report to the ~~division~~Office of Environmental Services, Permits Division all transfers of industrial products or devices to persons for use under the general license in LAC 33:XV.321.E. Such report shall identify each general licensee by name and address, an individual by name and/or position who may constitute a point of contact between the ~~division~~department and the general licensee, the type and model number of device transferred, and the quantity of depleted uranium contained in the product or device. The report shall be submitted within 30 days after the end of each calendar quarter in which such a product or device is transferred to the generally licensed person. If no transfers have been made to persons generally licensed under LAC 33:XV.321.E during the reporting period, the report shall so indicate;

* * *

[See Prior Text in M.4.f-g]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2092 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§331. Specific Terms and Conditions of Licenses

* * *

[See Prior Text in A]

B. No license issued or granted under this Chapter and no right to possess or utilize radioactive material granted by any license issued pursuant to this Chapter shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the ~~division~~department shall, after securing full information, find that the transfer is in accordance with the provisions of the act, now or hereafter in effect, and with all valid rules, regulations, and orders of the ~~division~~department, and shall give its consent in writing.

* * *

[See Prior Text in C]

D. Each licensee shall notify the ~~division~~Office of Environmental Services, Permits Division in writing when the licensee decides to permanently discontinue all activities involving materials authorized under the license. This notification requirement applies to all specific licenses issued under Chapter 3 of these regulations.

E. Each licensee shall notify the ~~division~~Office of Environmental Services, Permits Division, in writing, immediately following the filing of a voluntary or involuntary petition for bankruptcy under any Chapter of Title 11 (Bankruptcy) of the *United States Code* by or against:

* * *

[See Prior Text in E.1-F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§332. Expiration and Termination of Licenses and Decommissioning of Sites and Separate Buildings or Outdoor Areas

* * *

[See Prior Text in A]

B. Each licensee shall notify the ~~division~~Office of Environmental Services, Permits Division immediately, in writing, and request termination of the license when the licensee decides to terminate all activities involving radioactive material authorized under the license. This notification and request for termination of the license must include the reports and information specified in LAC 33:XV.332.D.1.e.

* * *

[See Prior Text in C-C.1]

2. notify the ~~division~~Office of Environmental Services, Permits Division, in writing, if the licensee decides not to renew the license.

* * *

[See Prior Text in D-D.1.c]

d. submit a completed form to the Office of Environmental Services, Permits Division that certifies information concerning the disposition of materials; and

e. submit a radiation survey report to the Office of Environmental Services, Permits Division to confirm the absence of radioactive material or to establish the levels of residual radioactive contamination, unless the licensee demonstrates the absence of residual radioactive contamination in some other manner. The licensee shall, as appropriate:

* * *

[See Prior Text in D.1.e.i-2]

a. In addition to the information required under Subsection D.1.d and e of this Section, the licensee shall submit a plan for completion of decommissioning, if required by the license condition or if the procedures necessary to carry out decommissioning of the site or separate building or outdoor area have not been previously approved by the ~~division~~department and could increase potential health and safety impacts to workers or to the public such as in any of the following cases:

* * *

[See Prior Text in D.2.a.i-c.vi]

d. The proposed decommissioning plan will be approved by the ~~division~~department if the information therein demonstrates that the decommissioning will be completed as soon as is reasonable and that the health and safety of workers and the public will be adequately protected.

3. Upon approval of the decommissioning plan by the ~~division~~department, the licensee shall complete decommissioning in accordance with the approved plan. As a final step in decommissioning, the licensee shall again submit the information required in LAC 33:XV.332.D.1.e and shall certify the disposition of accumulated wastes from decommissioning.

4. If no residual radioactive contamination attributable to activities conducted under the license is detected, the licensee shall submit a certification that no detectable radioactive contamination was found. The ~~division~~department will notify the licensee, in writing, of the termination of the license.

* * *

[See Prior Text in D.5]

a. If detectable levels of residual radioactive contamination attributable to activities conducted under the license are found, the license continues in effect beyond the expiration date, if necessary, with respect to possession of residual radioactive material present as contamination until the ~~division~~department notifies the licensee in writing that the license is terminated. During this time the licensee is subject to the provisions of LAC 33:XV.332.E.

* * *

[See Prior Text in D.5.b]

c. Specific licenses, including expired licenses, will be terminated by written notice to the licensee when the ~~division~~department determines that:

* * *

[See Prior Text in D.5.c.i-6]

a. Within 60 days of the occurrence of any of the following, each licensee shall provide notification to the ~~division~~Office of Environmental Services, Permits Division in writing of such occurrence and either begin decommissioning its site, or any separate building or outdoor area that contains residual radioactivity, so that the building or outdoor area is suitable for release for unrestricted use, or submit within 12 months of notification a decommissioning plan, if required by Subsection D.2 of this Section, and begin decommissioning upon approval of that plan if:

* * *

[See Prior Text in D.6.a.i-b.i]

ii. Following approval of the decommissioning plan, a licensee may reduce the amount of the financial assurance as decommissioning proceeds and radiological contamination is reduced at the site with the approval of the ~~division~~department.

c. The ~~division~~department may grant a request to extend the time periods established in Subsection D.6.a of this Section if the ~~division~~department determines that this relief is not detrimental to the public health and safety and is otherwise in the public interest. The request shall be submitted no later than 30 days before notification in accordance with Subsection D.6.a of this Section. The schedule for decommissioning set forth in Subsection D.6.a of this Section may not commence until the ~~division~~department has made a determination on the request.

d. The ~~division~~department may approve an alternative schedule for submittal of a decommissioning plan required in accordance with Subsection D.6.a of this Section if the ~~division~~department determines that the alternative schedule is necessary to the effective conduct of decommissioning operations and presents no undue risk from radiation to the public health and safety and is otherwise in the public interest.

* * *

[See Prior Text in D.6.e-e.ii]

iii. The ~~division~~department may approve a request for an alternative schedule for completion of decommissioning of the site or separate building or outdoor area and license termination, if appropriate, if the ~~division~~department determines that the alternative is warranted by consideration of the following:

* * *

[See Prior Text in D.6.e.iii.(a)-(d)]

(e). other site-specific factors that the ~~division~~department may consider appropriate on a case-by-case basis, such as the regulatory requirements of other government agencies, lawsuits, groundwater treatment activities, monitored natural groundwater restoration, actions that could result in more environmental harm than deferred cleanup, and other factors beyond the control of the licensee.

* * *

[See Prior Text in E-E.1]

2. continue to control entry to restricted areas until they are suitable for release for unrestricted use and the ~~division~~department notifies the licensee in writing that the license is terminated.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2094 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§333. Renewal of Licenses

* * *

[See Prior Text in A]

B. In any case in which a licensee, not less than 30 calendar days prior to expiration of his or her existing license, has filed an application in proper form for renewal or for a new license authorizing the same activities, such existing license shall not expire until the application has been finally determined by the ~~division~~department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§335. ~~Division~~Department Action on Applications to Renew or Amend

In considering an application by a licensee to renew or amend his or her license, the ~~division~~department will apply the criteria set forth in LAC 33:XV.325, 326, 327, and 328 and in Chapters 5, 7, 13, and 20 of these regulations as applicable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§340. Transfer of Material

* * *

[See Prior Text in A-B]

1. to the ~~division~~department (a licensee may transfer radioactive material to the ~~division~~department only after receiving prior approval from the ~~division~~department);

* * *

[See Prior Text in B.2-4]

5. as otherwise authorized by the ~~division~~department in writing.

C. Before transferring radioactive material to a specific licensee of the ~~division~~department, the U.S. Nuclear Regulatory Commission, another agreement state, or a licensing state, or to a general licensee who is required to register with the ~~division~~department, the U.S. Nuclear Regulatory Commission, any other agreement state, or a licensing state, prior to receipt of the radioactive material, the licensee transferring the material shall verify that the transferee's license authorizes the receipt of the type, form, and quantity of radioactive material to be transferred.

* * *

[See Prior Text in D-D.3]

4. the transferor may obtain other sources of information compiled by a reporting service from official records of the ~~division~~department, the U.S. Nuclear Regulatory Commission, or the licensing agency of any other agreement state, or licensing state as to the identity of licensees and the scope and expiration dates of licenses and registration;

5. when none of the methods of verification described in LAC 33:XV.340.D.1-4 are readily available or when a transferor desires to verify that information received by one of such methods is correct or up-to-date, the transferor may obtain and record confirmation from the ~~division~~department, the U.S. Nuclear Regulatory Commission, or the licensing agency of any other agreement state or licensing state that the transferee is licensed to receive the radioactive material.

* * *

[See Prior Text in E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§341. Reporting Requirements for General and Specific Licenses

A. Immediate Report. Each licensee shall notify the ~~division~~Office of Environmental Compliance by telephone at (225) 765-0160 as soon as possible but not later than four hours after the discovery of an event that prevents immediate protective actions necessary to avoid exposures to radiation or radioactive materials that could exceed regulatory limits or releases of licensed material that could exceed regulatory limits (events may include fires, explosions, toxic gas releases, etc.).

B. Twenty-four Hour Report. Each licensee shall notify the ~~division~~Office of Environmental Compliance by telephone at (225) 765-0160 within 24 hours after the discovery of any of the following events involving licensed material:

* * *

[See Prior Text in B.1-C]

1. licensees shall make reports required by LAC 33:XV.341.A and B by telephone to the ~~division~~Office of Environmental Compliance at (225) 765-0160. To the extent that the information is available at the time of notification, the information provided in these reports must include:

* * *

[See Prior Text in C.1.a-e]

2. each licensee who makes a report required by LAC 33:XV.341.A or B shall submit a written follow-up report within 30 days of the initial report to the Office of Environmental Compliance. Written reports prepared pursuant to other regulations may be submitted to fulfill this requirement if the reports contain all of the necessary information and the appropriate distribution is made. These written reports must be sent to the ~~division~~department. The reports must include the following:

* * *

[See Prior Text in C.2.a-f]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 21:554 (June 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§351. Financial Assurance Arrangements

* * *

[See Prior Text in A-D.3]

4. any other licensee that the ~~division~~department determines to have the potential to default, abandon, or otherwise cause liabilities that would endanger public health and safety.

E. The ~~division~~department may reevaluate, at any time, the adequacy of an existing financial assurance arrangement and may require an adjustment by either increasing or decreasing the amount of the financial assurance arrangement required.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter E. Reciprocity

§390. Reciprocal Recognition of Licenses

A. Subject to these regulations, any person who holds a specific license from the U.S. Nuclear Regulatory Commission, any other agreement state, or any licensing state and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, is hereby granted a general license to conduct the activities authorized in such licensing document within this state for any period of time deemed appropriate by the ~~division~~department provided that the following conditions are met:

* * *

[See Prior Text in A.1]

2. for each separate location in Louisiana, the out-of-state licensee notifies the ~~division~~Office of Environmental Services, Permits Division in writing at least three working or business days prior to engaging in such activity. Such notification shall indicate the location, period, and type of proposed possession and use within the state and shall be accompanied by a copy of the pertinent licensing document. If, for a specific case, the three working or business day period would impose an undue hardship on the out-of-state licensee, he or she may, upon written application to the ~~division~~Office of Environmental Services, Permits Division, obtain permission to proceed sooner. The ~~division~~department may waive the requirement for filing

additional written notifications following the receipt of the initial written notification from a person engaging in activities under the general license provided in LAC 33:XV.390.A;

* * *

[See Prior Text in A.3]

4. the out-of-state licensee maintains a current copy of the appropriate license and all amendments thereto with the ~~division~~department;

5. the out-of-state licensee supplies such other information as the ~~division~~department may request;

6. any out-of-state licensee who establishes a permanent office in Louisiana shall notify the ~~division~~Office of Environmental Services, Permits Division within 10 calendar days of establishing such office and shall, upon direction by the ~~division~~department and within 30 calendar days, make application for a radioactive material license in accordance with LAC 33:XV.326.E;

* * *

[See Prior Text in A.7-B]

1. such person shall file a report with the ~~division~~Office of Environmental Services, Permits Division within 30 calendar days after the end of each calendar quarter in which any device is transferred to or installed in this state. Each such report shall identify each general licensee to whom such device is transferred by name and address, the type of device transferred, and the quantity and type of radioactive material contained in the device.

* * *

[See Prior Text in B.2-4]

C. The ~~division~~department may withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by another regulatory agency, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to prevent undue hazard to public welfare and safety or property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Appendix D

Criteria Relating to Use of Financial Tests and Parent Company Guarantees for Providing Reasonable Assurance of Funds for Decommissioning

An applicant or licensee may provide reasonable assurance of the availability of funds for decommissioning based on obtaining a parent company guarantee that funds will be available for decommissioning costs and on a demonstration that the parent company passes a financial test. This appendix establishes criteria for passing the financial test and for obtaining the parent company guarantee.

* * *

[See Prior Text in A-A.2.c]

B. The parent company's independent certified public accountant must have compared the data used by the parent company in the financial test, which is derived from the independently audited, year-end financial statements for the latest fiscal year, with the amounts in such financial statement. In connection with that procedure the licensee shall inform the ~~division~~Office of Management and Finance, Financial Services Division within 90 days of any matters coming to the auditor's attention which cause the auditor to believe that the data specified in the financial test should be adjusted and that the company no longer passes the test.

* * *

[See Prior Text in C]

D. If the parent company no longer meets the requirements of Subsection A of this Appendix, the licensee must send notice to the ~~division~~Office of Management and Finance, Financial Services Division of intent to establish alternate financial assurance as specified in these regulations. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the parent company no longer meets the financial test requirements. The licensee must provide alternate financial assurance within 120 days after the end of such fiscal year.

* * *

[See Prior Text in E]

1. The parent company guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the licensee and the ~~division~~Office of Management and Finance, Financial Services Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the licensee and the ~~division~~department, as evidenced by the return receipt.

2. If the licensee fails to provide alternate financial assurance as specified in these regulations within 90 days after receipt by the licensee and the ~~division~~department of a notice of cancellation of the parent company guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the licensee.

3. The parent company guarantee and financial test provisions must remain in effect until the ~~division~~department has terminated the license.

4. If a trust is established for decommissioning costs, the trustee and trust must be acceptable to the ~~division~~department. An acceptable trustee includes an appropriate state or federal government agency or an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 4. Standards for Protection Against Radiation

Subchapter A. General Provisions

§401. Purpose

A. This Chapter establishes standards for protection against ionizing radiation resulting from activities conducted pursuant to licenses or registrations issued by the ~~division~~department. These regulations are issued in accordance with R.S. 30:2101 et seq.

* * *

[See Prior Text in B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:969 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§402. Scope

Except as specifically provided in other chapters of these regulations, this Chapter applies to persons licensed or registered by the ~~division~~department to receive, possess, use, transfer, or dispose of sources of radiation or to operate a production or utilization facility under these regulations. The limits in this Chapter do not apply to doses due to background radiation, to exposure from any medical administration the individual has received, to exposure from individuals administered radioactive material and released in accordance with LAC 33:XV.725, or to exposure from voluntary participation in medical research programs.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended LR 24:2095 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter B. Radiation Protection Programs

§413. Determination of Internal Exposure

* * *

[See Prior Text in A-C.1]

2. upon prior approval of the ~~division~~department, adjust the DAC or ALI values to reflect the actual physical and chemical characteristics of airborne radioactive material, for example, aerosol size distribution or density; and

* * *

[See Prior Text in C.3-H.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§414. Determination of Prior Occupational Dose

* * *

[See Prior Text in A-C.1]

2. accept, as the record of lifetime cumulative radiation dose, an up-to-date ~~division~~department Form DRC-4 or equivalent, signed by the individual and countersigned by an appropriate official of the most recent employer for work involving radiation exposure or the individual's current employer, if the individual is not employed by the licensee or registrant; and

* * *

[See Prior Text in C.3]

D. The licensee or registrant shall record the exposure history, as required by LAC 33:XV.414.A, on ~~division~~department Form DRC-4, or other clear and legible record, of all the information required on that form. The form or record shall show each period in which the individual received occupational exposure to radiation or radioactive material and shall be signed by the individual who received the exposure. For each period for which the licensee or registrant obtains reports, the licensee or registrant shall use the dose shown in the report in preparing ~~division~~department Form DRC-4 or equivalent. For any period in which the licensee or registrant does not obtain a report, the licensee or registrant shall place a notation on ~~division~~department Form DRC-4 or equivalent indicating the periods of time for which data are not available.

E. Licensees or registrants are not required to partition the historical dose between external dose equivalent(s) and internal committed dose equivalent(s). Further, occupational exposure histories obtained and recorded on ~~division~~department Form DRC-4 or equivalent before January 1, 1994, may not have included effective dose equivalent, but may be used in the absence of specific information on the intake of radionuclides by the individual.

* * *

[See Prior Text in F-F.2]

G. The licensee or registrant shall retain the records on ~~division~~department Form DRC-4 or equivalent until the ~~division~~department terminates each pertinent license or registration

requiring this record. The licensee or registrant shall retain records used in preparing ~~division~~department Form DRC-4 or equivalent for three years after the record is made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:970 (October 1996), LR 24:2095 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§421. Radiation Dose Limits for Individual Members of the Public

* * *

[See Prior Text in A-B]

C. A licensee, registrant, or an applicant for a license or registration may apply for prior ~~division~~department authorization to operate up to an annual dose limit for an individual member of the public of 5 mSv (0.5 rem). This application shall include the following information:

* * *

[See Prior Text in C.1-D]

E. The ~~division~~department may impose additional restrictions on radiation levels in unrestricted areas and on the total quantity of radionuclides that a licensee or registrant may release in effluents in order to restrict the collective dose.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:970 (October 1996), LR 24:2095 (November 1998), repromulgated LR 24:2243 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§422. Compliance with Dose Limits for Individual Members of the Public

* * *

[See Prior Text in A-B.2.b]

C. Upon approval from the ~~division~~department, the licensee or registrant may adjust the effluent concentration values in Appendix B, Table II, for members of the public, to take into account the actual physical and chemical characteristics of the effluents, such as aerosol size distribution, solubility, density, radioactive decay equilibrium, and chemical form.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and

Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:971 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§426. Testing for Leakage or Contamination of Sealed Sources

* * *

[See Prior Text in A-A.1]

2. each sealed source that is designed not to emit alpha particles is tested for leakage or contamination at intervals not to exceed six months or at alternative intervals approved by the ~~division~~department, after evaluation of information specified by LAC 33:XV.328.L.2, an agreement state, a licensing state, or the Nuclear Regulatory Commission;

3. each sealed source that is designed to emit alpha particles is tested for leakage or contamination at intervals not to exceed three months or at alternative intervals approved by the ~~division~~department, after evaluation of information specified by LAC 33:XV.328.L.2, an agreement state, a licensing state, or the Nuclear Regulatory Commission;

* * *

[See Prior Text in A.4-B.6]

C. Tests for leakage or contamination from sealed sources shall be performed by persons specifically authorized by the ~~division~~department, an agreement state, a licensing state, or the U.S. Nuclear Regulatory Commission to perform such services.

D. Test results shall be kept in units of becquerel or microcurie and maintained for inspection by the ~~division~~department. Records of test results for sealed sources shall be made in accordance with LAC 33:XV.473.

* * *

[See Prior Text in E-G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:971 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter D. Control of Exposure From External Sources in Restricted Areas

§436. Control of Access to High Radiation Areas

* * *

[See Prior Text in A-B]

C. The licensee or registrant may apply to the ~~division~~Office of Environmental Services, Permits Division for approval of alternative methods for controlling access to high radiation areas.

* * *

[See Prior Text in D-G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§438. Control of Access to Very High Radiation Areas -Irradiators

* * *

[See Prior Text in A-B.9.b]

c. the licensee or registrant shall submit to the Office of Environmental Services, Permits Division and adhere to a schedule for periodic tests of the entry control and warning systems;

* * *

[See Prior Text in B.10-11]

C. Licensees, registrants, or applicants for licenses or registrations for sources of radiation within the purview of LAC 33:XV.438.B which will be used in a variety of positions or in locations, such as open fields or forests, that make it impracticable to comply with certain requirements of LAC 33:XV.438.B, such as those for the automatic control of radiation levels, may apply to the ~~division~~Office of Environmental Services, Permits Division for approval of alternative safety measures. Alternative safety measures shall provide personnel protection at least equivalent to those specified in LAC 33:XV.438.B. At least one of the alternative measures shall include an entry-preventing interlock control based on a measurement of the radiation that ensures the absence of high radiation levels before an individual can gain access to the area where such sources of radiation are used.

* * *

[See Prior Text in D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter E. Respiratory Protection and Controls to Restrict Internal Exposure in Restricted Areas

§442. Use of Individual Respiratory Protection Equipment

* * *

[See Prior Text in A-A.1]

2. the licensee or registrant may use equipment that has not been tested or certified by NIOSH/MSHA, has not had certification extended by NIOSH/MSHA, or for which there is no schedule for testing or certification, provided the licensee or registrant has submitted to the ~~division~~Office of Environmental Services, Permits Division and the ~~division~~Office of Environmental Services, Permits Division has approved an application for authorized use of that equipment, including a demonstration by testing, or a demonstration on the basis of test information, that the material and performance characteristics of the equipment are capable of providing the proposed degree of protection under anticipated conditions of use;

* * *

[See Prior Text in A.3-B.1]

2. the licensee or registrant shall obtain authorization from the ~~division~~department before assigning respiratory protection factors in excess of those specified in Appendix A. The ~~division~~department may authorize a licensee or registrant to use higher protection factors on receipt of an application that:

* * *

[See Prior Text in B.2.a-C]

D. The licensee or registrant shall notify the ~~division~~Office of Environmental Services, Permits Division in writing at least 30 days before the date that respiratory protection equipment is first used pursuant to either LAC 33:XV.442.A or B.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:972 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter G. Precautionary Procedures

§450. Caution Signs

A. Standard Radiation Symbol. Unless otherwise authorized by the ~~division~~department, the symbol prescribed by this Section shall use the colors magenta or purple or black on yellow background. The symbol prescribed is the three-bladed design as follows:

* * *

[See Prior Text in A.1-C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§455. Procedures for Receiving and Opening Packages

* * *

[See Prior Text in A-C]

D. The licensee or registrant shall immediately notify the final delivery carrier and, by telephone and telegram, mailgram, or facsimile, the ~~division~~Office of Environmental Compliance at (225) 765-0160 when:

* * *

[See Prior Text in D.1-F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:973 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter H. Waste Disposal

§461. Method for Obtaining Approval of Proposed Disposal Procedures

A. A licensee or registrant or applicant for a license or registration may apply to the ~~division~~Office of Environmental Services, Permits Division for approval of proposed procedures, not otherwise authorized in these regulations, to dispose of licensed or registered sources of radiation generated in the licensee's or registrant's operations. Each application shall include:

* * *

[See Prior Text in A.1-4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§463. Treatment or Disposal by Incineration

A licensee or registrant may treat or dispose of licensed or registered sources of radiation by incineration only in the form and concentration specified in LAC 33:XV.464 or as specifically approved by the ~~division~~department in accordance with LAC 33:XV.461.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended LR 22:973 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter I. Records**§471. Records of Radiation Protection Programs**

* * *

[See Prior Text in A-A.2]

B. The licensee or registrant shall retain the records required by LAC 33:XV.471.A.1 until the ~~division~~department terminates each pertinent license or registration requiring the record. The licensee or registrant shall retain the records required by LAC 33:XV.471.A.2 for three years after the record is made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§472. Records of Surveys

* * *

[See Prior Text in A]

B. The licensee or registrant shall retain each of the following records until the ~~division~~department terminates each pertinent license or registration requiring the record:

* * *

[See Prior Text in B.1-4]

C. Upon termination of the license or registration, the licensee or registrant shall permanently store records or shall make provision with the ~~division~~department for transfer to the ~~division~~department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§473. Records of Tests for Leakage or Contamination from Sealed Sources

Records of tests for leakage or contamination from sealed sources required by LAC 33:XV.426 shall be kept in units of becquerel or microcurie and maintained for inspection by the ~~division~~department for five years after the records are made.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§474. Records of Prior Occupational Dose

A. The licensee or registrant shall retain the records of prior occupational dose and exposure history as specified in LAC 33:XV.414 on ~~division~~department Form DRC-4 or equivalent until the ~~division~~department terminates each pertinent license or registration requiring this record. The licensee or registrant shall retain records used in preparing Form DRC-4 or equivalent for three years after the record is made.

B. Upon termination of the license or registration, the licensee or registrant shall permanently store records on ~~division~~department Form DRC-4 or equivalent or shall make provision with the ~~division~~department for transfer to the ~~division~~department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§475. Records of Planned Special Exposures

* * *

[See Prior Text in A-A.7]

B. The licensee or registrant shall retain the records until the ~~division~~department terminates each pertinent license or registration requiring these records.

C. Upon termination of the license or registration, the licensee or registrant shall permanently store records or shall make provision with the ~~division~~department for transfer to the ~~division~~department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§476. Records of Individual Monitoring Results

* * *

[See Prior Text in A-B]

C. Recordkeeping Format. The licensee or registrant shall maintain the records specified in LAC 33:XV.476.A on ~~division~~department Form DRC-5, in accordance with the instructions for ~~division~~department Form DRC-5, or in clear and legible records containing all the information required by ~~division~~department Form DRC-5.

* * *

[See Prior Text in D]

E. The licensee or registrant shall retain each required form or record until the ~~division~~department terminates each pertinent license or registration requiring the record.

F. Upon termination of the license or registration, the licensee or registrant shall permanently store records on ~~division~~department Form DRC-4 or equivalent, or shall make provision with the ~~division~~department for transfer to the ~~division~~department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§477. Records of Dose to Individual Members of the Public

* * *

[See Prior Text in A]

B. The licensee or registrant shall retain the records required by LAC 33:XV.477.A until the ~~division~~department terminates each pertinent license or registration requiring the record.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§478. Records of Waste Disposal

* * *

[See Prior Text in A]

B. The licensee or registrant shall retain the records required by LAC 33:XV.478.A until the ~~division~~department terminates each pertinent license or registration requiring the record. Requirements for disposition of these records, prior to license termination, are located in LAC 33:XV.342.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1018 (May 2000), LR 26:**.

Subchapter J. Reports**§485. Reports of Stolen, Lost, or Missing Licensed or Registered Sources of Radiation**

A. Telephone Reports. Each licensee or registrant shall report to the ~~division~~Office of Environmental Compliance by telephone at (225) 765-0160~~by telephone~~ as follows:

* * *

[See Prior Text in A.1-3]

B. Written Reports. Each licensee or registrant required to make a report pursuant to LAC 33:XV.485.A shall, within 30 days after making the telephone report, make a written report to the ~~division~~Office of Environmental Compliance setting forth the following information:

* * *

[See Prior Text in B.1-C]

D. The licensee or registrant shall prepare any report filed with the ~~division~~Office of Environmental Compliance pursuant to this Section so that names of individuals who may have received exposure to radiation are stated in a separate and detachable portion of the report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§486. Notification of Incidents

A. Immediate Notification. Notwithstanding other requirements for notification, each licensee or registrant shall immediately report to the Office of Environmental Compliance by

telephone at (225) 765-0160 each event involving a source of radiation possessed by the licensee or registrant that may have caused or threatens to cause any of the following conditions:

* * *

[See Prior Text in A.1-2]

B. Twenty-four Hour Notification. Each licensee or registrant shall, within 24 hours of discovery of the event, report to the ~~division~~Office of Environmental Compliance by telephone at (225) 765-0160 each event involving loss of control of a licensed or registered source of radiation possessed by the licensee or registrant that may have caused, or threatens to cause, any of the following conditions:

* * *

[See Prior Text in B.1-2]

C. Licensees or registrants shall make the reports required by Subsections A and B of this Section through initial contact by telephone ~~to the division~~ and shall confirm the initial contact by telegram, mailgram, or facsimile to the ~~division~~Office of Environmental Compliance, or by e-mail at surveillance@deq.state.la.us utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance.

D. The licensee or registrant shall prepare each report filed with the ~~division~~department in accordance with this Section so that names of individuals who have received exposure to sources of radiation are stated in a separate and detachable portion of the report.

* * *

[See Prior Text in E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended LR 22:973 (October 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§487. Reports of Exposures, Radiation Levels, and Concentrations of Radioactive Material Exceeding the Limits

A. Reportable Events. In addition to the notification required by LAC 33:XV.486, each licensee or registrant shall submit a written report to the Office of Environmental Compliance within 30 days after learning of any of the following occurrences:

* * *

[See Prior Text in A.1-B.2]

C. All licensees or registrants who make reports pursuant to LAC 33:XV.487.A shall submit the report in writing to the ~~division~~department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§488. Reports of Planned Special Exposures

The licensee or registrant shall submit a written report to the ~~division~~Office of Environmental Services, Permits Division within 30 days following any planned special exposure conducted in accordance with LAC 33:XV.415, informing the ~~division~~department that a planned special exposure was conducted and indicating the date the planned special exposure occurred and the information required by LAC 33:XV.475.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§490. Reports of Individual Monitoring

A. This Section applies to each person licensed or registered by the ~~division~~department to:

* * *

[See Prior Text in A.1-3]

^a The ~~division~~department may require as a license condition, or by rule or regulation, reports from licensees or registrants who are licensed or registered to use radionuclides not on this list, in quantities sufficient to cause comparable radiation levels.

B. Each licensee or registrant in a category listed in LAC 33:XV.490.A shall submit to the Office of Environmental Services, Permits Division an annual report of the results of individual monitoring carried out by the licensee or registrant for each individual for whom monitoring was required by LAC 33:XV.431 during that year. The licensee or registrant may include additional data for individuals for whom monitoring was provided but not required. The licensee or registrant shall use ~~division~~department Form DRC-5 or equivalent or electronic media containing all the information required by ~~division~~department Form DRC-5.

C. The licensee or registrant shall file the report required by LAC 33:XV.490.B, covering the preceding year, on or before April 30 of each year. The licensee or registrant shall submit the report to the ~~division~~Office of Environmental Services, Permits Division.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§491. Notifications and Reports to Individuals

* * *

[See Prior Text in A]

B. When a licensee or registrant is required pursuant to LAC 33:XV.487 to report to the ~~division~~department any exposure of an individual to radiation or radioactive material, the licensee or registrant shall also notify the individual. Such notice shall be transmitted at a time not later than the transmittal to the ~~division~~department and shall comply with the provisions of LAC 33:XV.1013.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§492. Reports of Leaking or Contamination From Sealed Sources

The licensee or registrant shall file a report within five days with the ~~division~~Office of Environmental Compliance, or e-mail at surveillance@deq.state.la.us if the test for leakage or contamination required pursuant to LAC 33:XV.426 indicates a sealed source is leaking or a source of contamination. The report shall include the equipment involved, the test results, and the corrective action taken.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter K. Additional Requirements**§496. Vacating Premises**

Each specific licensee or registrant shall, no less than 30 days before vacating or relinquishing possession or control of premises which may have been contaminated with radioactive material as a result of his activities, notify the ~~division~~Office of Environmental Services, Permits Division in writing of intent to vacate. When deemed necessary by the ~~division~~department, the licensee shall decontaminate the premises in such a manner as the ~~division~~department may specify.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Appendix A

* * *

[See Prior Text in Appendix.A.Table.Protection Factors for Respirators-Endnote 8.a]

^b The design of the supplied-air hood or helmet, with a minimum flow of six cubic feet per minute (0.17 m³/min) of air, may determine its overall efficiency and the protection it provides. For example, some hoods aspirate contaminated air into the breathing zone when the wearer works with hands-over-head. This aspiration may be overcome if a short cape-like extension to the hood is worn under a coat or overalls. Other limitations specified by the ~~division~~department shall be considered before using a hood in certain types of atmospheres. See endnote 9.

* * *

[See Prior Text in Endnote 9-Note.2]

Appendix D

Requirements for Transfer of Low-Level Radioactive Waste for Disposal at Land Disposal Facilities and Manifests

* * *

[See Prior Text in A]

1. Licensees are not required by the ~~division~~department to comply with the manifesting requirements of this Appendix when they ship:

* * *

[See Prior Text in A.1.a-D]

E. As used in this Appendix, the following definitions apply:

* * *

[See Prior Text]

Computer-Readable Medium—a medium from which the ~~division's~~department's computer can transfer the information from the medium into its memory. This medium shall be in an ASCII compatible format.

* * *

[See Prior Text]

Decontamination Facility—a facility operating under a ~~division~~department, Nuclear Regulatory Commission, or agreement state license whose principal purpose is decontamination of equipment or materials to accomplish recycle, reuse, or other waste management objectives and, for purposes of this Appendix, is not considered to be a consignee for LLW shipments.

* * *

[See Prior Text]

Electronic Media—media from which the ~~division's~~department's computer can transfer the information from the media into its memory. This media shall be in an ASCII compatible format.

* * *

[See Prior Text]

Generator—a licensee operating under a ~~division~~department, Nuclear Regulatory Commission, or agreement state license who is a waste generator as defined in this Appendix, or is the licensee to whom waste can be attributed within the context of the Low-Level Radioactive Waste Policy Amendments Act of 1985 (e.g., waste generated as a result of decontamination or recycle activities).

* * *

[See Prior Text]

Waste Collector—an entity, operating under a ~~division~~department, Nuclear Regulatory Commission, or agreement state license, whose principal purpose is to collect and consolidate waste generated by others, and to transfer this waste, without processing or repackaging the collected waste, to another licensed waste collector, licensed waste processor, or licensed land disposal facility.

* * *

[See Prior Text]

Waste Generator—an entity, operating under a ~~division~~department, Nuclear Regulatory Commission, or agreement state license, who possesses any material or component that contains radioactivity or is radioactively contaminated for which the licensee foresees no further use and transfers this material or component to a licensed land disposal facility or to a licensed waste collector or processor for handling or treatment prior to disposal. A licensee performing processing or decontamination services may be a *waste generator* if the transfer of low-level radioactive waste from its facility is defined as *residual waste*.

Waste Processor—an entity, operating under a ~~division~~department, Nuclear Regulatory Commission, or agreement state license, whose principal purpose is to process, repackage, or otherwise treat low-level radioactive material or waste generated by others prior to eventual transfer of waste to a licensed low-level radioactive waste land disposal facility.

Waste Type—a waste within a disposal container having a unique physical description (i.e., a specific waste descriptor code or description or a waste sorbed on or solidified in a specifically defined media).

* * *

[See Prior Text in F-F.5.b.v.]

G. Certification. An authorized representative of the waste generator, processor, or collector shall certify, by signing and dating the shipment manifest, that the transported materials are properly classified, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the U.S. Department of Transportation

and the ~~division~~department. A collector, in signing the certification, is certifying that nothing has been done to the collected waste that would invalidate the waste generator's certification.

* * *

[See Prior Text in H-H.2.g]

h. notify the shipper and the ~~division~~Office of Environmental Services, Permits Division when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

* * *

[See Prior Text in H.3-3.j]

k. notify the shipper and the ~~division~~Office of Environmental Services, Permits Division when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

* * *

[See Prior Text in H.4-4.a]

b. maintain copies of all completed manifests and electronically store the information required by LAC 33:XV.1333.G until the ~~division~~department terminates the license; and

c. notify the shipper and the ~~division~~Office of Environmental Services, Permits Division when any shipment, or part of a shipment, has not arrived within 60 days after receipt of an advance manifest, unless notified by the shipper that the shipment has been canceled.

* * *

[See Prior Text in H.5-5.a]

b. be traced and reported. The investigation shall include tracing the shipment and filing a report with the ~~division~~Office of Environmental Services, Permits Division. Each licensee who conducts a trace investigation shall file a written report with the ~~division~~Office of Environmental Services, Permits Division within two weeks of completion of the investigation.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 5. Radiation Safety Requirements for Industrial Radiographic Operations

§503. Definitions

As used in this Chapter, the following definitions apply:

* * *

[See Prior Text]

Instructor—any individual who has been authorized by the ~~division~~department to provide instruction to radiographer trainees in accordance with LAC 33:XV.575.A.

* * *

[See Prior Text]

Radiographer Assistant—any individual who:

- a. has five years of documented experience as a radiographer who previously qualified under these regulations prior to January 1, 1995;
- b. has a documented record of safely performing industrial radiography; and
- c. has received confirmation from the ~~division~~department that such individual is acceptable to be a radiographer's assistant.

* * *

[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), LR 23:1138 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:***.

Subchapter A. Equipment Control

§543. Radiation Survey Instruments

* * *

[See Prior Text in A-B.3]

C. Records of these calibrations shall be maintained for two years after the calibration date for inspection by the ~~division~~department.

* * *

[See Prior Text in D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), LR 23:1138 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§544. Leak Testing, Repair, Tagging, Opening, Modification, and Replacement of Sealed Sources

* * *

[See Prior Text in A-B]

C. The leak test shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of removable contamination on the sealed source. An acceptable leak test for sealed sources in the possession of a radiography licensee would be to test at the nearest accessible point to the sealed source storage position, or other appropriate measuring point, by a procedure which has been approved pursuant to LAC 33:XV.326.E.1.e. Records of leak test results shall be kept in units of microcuries (becquerels) and maintained for inspection by the ~~division~~department for two years.

D. Any test conducted pursuant to LAC 33:XV.544.B and C that reveals the presence of 0.005 microcurie (185 Bq) or more of removable radioactive material shall be considered evidence that the sealed source is leaking. The licensee shall immediately withdraw the equipment involved from use and shall cause it to be decontaminated and repaired or to be disposed of in accordance with LAC 33:XV. Within five calendar days after obtaining results of the test, the licensee shall file a written report with the ~~division~~Office of Environmental Compliance describing the equipment involved, the test results, and the corrective action taken.

* * *

[See Prior Text in E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§545. Quarterly Inventory

Each licensee shall conduct a quarterly physical inventory to account for all sealed sources and licensed devices received or possessed under his or her license. The records of the inventories shall be maintained for inspection by the ~~division~~department for at least two consecutive years from the date of the inventory and shall include the quantities and kinds of

radioactive material, the location of sealed sources, the date of the inventory, the name of individual(s) performing the inventory, the manufacturer, the model number, and the serial number.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§546. Utilization Logs

A. Each licensee or registrant shall maintain current logs, which shall be kept available for inspection by the ~~division~~department for two consecutive years from the date of the recorded event, showing for each source of radiation the following information:

* * *

[See Prior Text in A.1-4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§547. Inspection and Maintenance of Radiographic Exposure Devices and Storage Containers

* * *

[See Prior Text in A]

B. Each licensee or registrant shall conduct a program of at least quarterly inspection and maintenance of radiation machines, radiographic exposure devices, source changers, storage containers, and associated equipment to assure proper functioning of components important to safety. All appropriate parts shall be maintained in accordance with manufacturer's specifications. Records of inspection and maintenance shall be maintained for inspection by the ~~division~~department for two consecutive years from the date of the recorded event.

* * *

[See Prior Text in C]

D. Each licensee or registrant shall provide a written report to the ~~division~~Office of Environmental Compliance within 30 days of the occurrence of any of the following incidents involving radiographic equipment.

* * *

[See Prior Text in D.1-E.7]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§548. Permanent Radiographic Installations

A. Permanent radiographic installations having high-radiation area entrance controls of the type described in LAC 33:XV.436.A and B shall also meet the following requirements:

* * *

[See Prior Text in A.1]

2. the control device or alarm system as described in LAC 33:XV.436.A and B shall be tested for proper operation at the beginning of each day of equipment use. If a control device or alarm system is operating improperly, it shall be immediately labeled as defective and repaired before industrial radiographic operations are resumed. Records of these tests shall be maintained for inspection by the ~~division~~department for two consecutive years from the date of the event or until disposition is authorized.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§550. Performance Requirements for Radiography Equipment

A. Equipment serviced, maintained, or repaired by a licensee or registrant or used in industrial operations must meet the following minimum criteria:

1. each radiographic exposure device and all associated equipment shall meet the requirements specified in American National Standard (ANSI) N432-1980 *Radiological Safety for the Design and Construction of Apparatus for Gamma Radiography*, (published as NBS Handbook 136, issued January 1981). Engineering analyses may be submitted by an applicant or licensee to demonstrate the applicability of previously performed testing on similar individual radiography equipment components. Upon review, the ~~division~~department may find this an acceptable alternative to actual testing of the component in accordance with the referenced standard;

* * *

[See Prior Text in A.2-3.i]

j. malfunction of any exposure device or associated equipment shall be reported to the ~~division~~Office of Environmental Compliance by telephone at (225) 765-0160 in accordance with the requirements of LAC 33:XV.341; and

* * *

[See Prior Text in A.3.k-5]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended LR 21:554 (June 1995), LR 23:1138 (September 1997), LR 24:2100 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter B. Personal Radiation Safety Requirements for Radiographers

§575. Training and Testing

* * *

[See Prior Text in A]

1. has been instructed for at least 40 hours in the subjects outlined in I, II, and III, Appendix A of this Chapter, and has demonstrated understanding thereof pursuant to LAC 33:XV.575.A.6. Both the instructor and the course of instruction must be approved by the ~~division~~department prior to the time of instruction;

* * *

[See Prior Text in A.2-2.c]

d. the form DRC-20, available from the ~~division~~department, or the equivalent, must be submitted to the ~~division~~Office of Environmental Services, Permits Division documenting the on-the-job training;

* * *

[See Prior Text in A.3-5]

6. has successfully completed within the last five years a radiation safety examination administered by the ~~division~~department or its agent. The examination must be successfully completed at least once every five years.

B. Each licensee or registrant shall maintain, for inspection by the ~~division~~department, until disposition is authorized by the ~~division~~department, records of the above training and certification, including copies of written tests and dates and results of oral tests and field examinations.

C. Each licensee or registrant shall conduct a program of internal audits to ensure that the Radiation Protection ~~Division's~~ Regulations (LAC 33:XV), Louisiana radioactive material license conditions, and the licensee's or registrant's operating and emergency procedures are followed by each radiographer. These internal audits shall be performed at least quarterly, and each radiographer shall be audited at least quarterly. Records of internal audits shall be maintained for review by the ~~division~~department for two consecutive years from the date of the audit.

* * *

[See Prior Text in D-E.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), LR 20:999 (September 1994), LR 23:1138 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§577. Personnel Monitoring Control

* * *

[See Prior Text in A]

B. Pocket dosimeters shall have a range of zero to at least 200 milliroentgens (5.16×10^{-5} C/kg) and shall be recharged at least daily or at the start of each shift. Pocket dosimeters shall be checked for correct response to radiation at periods not to exceed one year. Acceptable dosimeters shall read within ± 30 percent of the true radiation exposure. Records of positive dosimeter response shall be maintained for two years by the licensee or registrant for ~~division~~department inspection.

* * *

[See Prior Text in C-E]

F. Records of the pocket dosimeter readings shall be maintained for inspection by the ~~division~~department for two consecutive years. If the dosimeter readings were used to determine external radiation dose, the records shall be maintained indefinitely or until the ~~division~~department authorizes their disposition.

* * *

[See Prior Text in G-H.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§578. Reciprocity

A. Reciprocal recognition by the ~~division~~department of an individual radiographer certification will be granted provided that:

* * *

[See Prior Text in A.1-2]

3. the applicant presents the certification to the ~~division~~Office of Environmental Services, Permits Division prior to entry into Louisiana.

B. Certified individuals who are granted reciprocity by the ~~division~~department shall maintain the certification upon which the reciprocal recognition was granted or prior to the expiration of such certification, shall meet the requirements of LAC 33:XV.575.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§579. Identification Cards

* * *

[See Prior Text in A-A.1]

2. Each person's I.D. card shall contain his/her photograph. The ~~division~~department will take the photograph at the time the examination is administered.

* * *

[See Prior Text in A.3]

4. Any individual who wishes to replace his/her I.D. card shall submit to the ~~division~~Office of Environmental Services, Permits Division a written request for a replacement I.D. card, stating the reason a replacement I.D. Card is needed. A non-refundable fee of \$20 shall be paid to the ~~division~~department for each replacement of an I.D. card. The prescribed fee shall be submitted with the written request for a replacement I.D. card. The individual shall maintain a copy of the request in his/her possession while performing industrial radiographic operations until a replacement I.D. card is received from the ~~division~~department.

* * *

[See Prior Text in B-D.1]

2. When a ~~division~~department order has been issued for an industrial radiographer to cease and desist from the use of sources of radiation or the ~~division~~department

revokes or suspends his/her I.D. card, the industrial radiographer shall surrender the I.D. card to the ~~division~~department until the order is changed or the suspension expires.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter C. Precautionary Procedures in Radiographic Operations

§587. Radiation Surveys and Survey Records

* * *

[See Prior Text in A-D]

E. Records shall be kept of the surveys required by LAC 33:XV.587.C and D. Such records shall be maintained for inspection by the ~~division~~department for two consecutive years after completion of the survey. If the survey has been used to determine an individual's exposure, the records of the survey shall be maintained until the ~~division~~department authorizes their disposition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§589. Special Requirements and Exemptions for Enclosed Radiography

* * *

[See Prior Text in A-A.1]

2. be evaluated at intervals not to exceed one year to assure compliance with the applicable requirements as specified in LAC 33:XV.589.A.1. Records of these evaluations shall be maintained for inspection by the ~~division~~department for a period of two consecutive years after the evaluation.

* * *

[See Prior Text in B]

1. operating personnel must be provided with either a film badge or a thermoluminescent dosimeter, and reports of the results must be maintained for inspection by the ~~division~~department;

2. no registrant shall permit any individual to operate an enclosed X-ray system until such individual has received a copy of and instructions in the operating procedures for the

unit and has demonstrated competence in its use. Records that demonstrate compliance with this Section shall be maintained for inspection by the ~~division~~department until disposition is authorized by the ~~division~~department;

* * *

[See Prior Text in B.3]

4. the registrant shall perform an evaluation, at intervals not to exceed one year, to determine conformance with LAC 33:XV.421. If such system is a certified X-ray system, it shall be evaluated at intervals not to exceed one year to determine conformance with 21 CFR 1020.40. Records of these evaluations shall be maintained for inspection by the ~~division~~department for a period of two consecutive years after the evaluation.

* * *

[See Prior Text in C-D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§590. Specific Requirements for Radiographic Personnel Performing Industrial Radiography

* * *

[See Prior Text in A-E.2]

3. has been named as a radiographer instructor on the license or registration certificate issued by the ~~division~~department.

F. During an inspection by the ~~division~~department, the ~~division~~department inspector may terminate an operation if any of the items of LAC 33:XV.590.A are not available and operable or if at least two radiographers are not present. Operations shall not be resumed until such conditions are met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended LR 23:1139 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§591. Prohibitions

A. Industrial radiography performed with a sealed source which is not fastened to or contained in a radiographic exposure device, known as fishpole radiography, is prohibited unless specifically authorized in a license issued by the ~~division~~department.

* * *

[See Prior Text in B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 6. X-rays in the Healing Arts

§602. Definitions

As used in this Chapter, the following definitions apply. Other definitions applicable to this Chapter may be found in LAC 33:XV.Chapters 1 and 2.

* * *

[See Prior Text]

Mammography Physicist—an individual who has submitted credentials to the ~~division~~department and who satisfies one or more of the following criteria:

* * *

[See Prior Text in 1-3]

4. has been approved by the ~~division~~department.

* * *

[See Prior Text]

Qualified Expert—an individual who has demonstrated to the satisfaction of the ~~division~~department that such individual possesses the knowledge, training, and experience to measure ionizing radiation, to evaluate safety techniques, and to advise regarding radiation protection needs.

* * *

[See Prior Text]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 23:1139 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§603. General and Administrative Requirements

* * *

[See Prior Text in A]

1. An x-ray system that does not meet the provisions of LAC 33:XV shall not be operated for diagnostic or therapeutic purposes if so directed by the ~~division~~department.

* * *

[See Prior Text in A.2-3.e]

4. At the request of the ~~division~~department, the registrant or licensee of a facility shall create and make available written safety procedures to each individual operating x-ray equipment, including any restrictions of the operating technique required for the safe operation of the particular x-ray system. The operator shall be able to demonstrate familiarity with these procedures.

* * *

[See Prior Text in A.5-7.a]

b. exposure of an individual for the purpose of healing arts screening without prior written approval of the ~~division~~department.

* * *

[See Prior Text in A.8-9.d]

e. each registrant or licensee, except for veterinarians, covered under this Chapter shall establish written standards for the proper performance of each diagnostic X-ray imaging system under the control of the registrant or licensee, and shall document by routine test record that the system is performing in accordance with these standards (quality control). Copies of this documentation shall be retained for at least six months and be available for inspection by the ~~division~~department. If a test interval is greater than six months, then a copy of the most recent test record shall be retained;

* * *

[See Prior Text in A.9.f-10.c]

11. Any person proposing to conduct a healing arts screening program shall not initiate such a program without prior approval of the ~~division~~department. When requesting such approval, that person shall submit the information outlined in Appendix C of this Chapter to the Office of Environmental Services, Permits Division. If any information submitted to the ~~division~~department becomes invalid or outdated, the ~~division~~Office of Environmental Services, Permits Division shall be immediately notified. See the definition of *Healing Arts Screening* as defined in LAC 33:XV.602.

* * *

[See Prior Text in A.12-C]

1. Except for dedicated mammography radiographic systems, podiatric radiographic systems, panoramic dental radiographic systems, and intraoral dental radiographic systems, prior to construction, the floor plans and equipment arrangement of all new installations, or modifications of existing installations, utilizing X-rays for diagnostic or therapeutic purposes shall be submitted to the ~~division~~Office of Environmental Services, Permits

Division for review and approval. The required information is specified in Appendices A and B of this Chapter.

2. The floor plans and equipment arrangement for all new, or modifications of existing, installations for veterinary X-ray systems shall be reviewed for adequacy by the ~~division~~department on a case-by-case basis.

3. The ~~division~~department may require the applicant to utilize the services of a qualified expert to determine the shielding requirements prior to the plans review and approval.

* * *

[See Prior Text in C.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:976 (October 1996), LR 23:1139 (September 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§605. Fluoroscopic X- ray Systems

A. All fluoroscopic x-ray systems shall be image intensified and meet the following requirements:

* * *

[See Prior Text in A.1-8.b.ii]

c. upon application to the administrative authority with adequate justification, exemptions to LAC 33:XV.605.A.8.b may be made in some special procedures where a sterile field will not permit the use of the normal protective barriers. Where the use of prefitted sterilized covers for the barriers is practical, the ~~division~~department shall not permit such exemption.

* * *

[See Prior Text in A.9-10.b]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§606. Radiographic Systems Other Than Fluoroscopic, Dental Intraoral, or Computed Tomography X-ray Systems

* * *

[See Prior Text in A-A.1.b]

c. the ~~division~~department may grant an exemption on noncertified x-ray systems to LAC 33:XV.606.A.1.a and b provided the registrant or licensee makes a written application for such exemption and in that application:

* * *

[See Prior Text in A.1.c.i-I]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§608. Therapeutic X-ray Systems of Less Than 1 MeV

* * *

[See Prior Text in A-C.1.a]

b. the registrant or licensee shall obtain a written report of the survey from the qualified expert, and a copy of the report shall be transmitted by the registrant or licensee to the ~~division~~Office of Environmental Services, Permits Division within 30 calendar days of receipt of the report; and

* * *

[See Prior Text in C.1.c-3]

a. the spot-check procedures shall be in writing and shall have been developed by a qualified expert. A copy of the procedures shall be submitted to the ~~division~~Office of Environmental Services, Permits Division prior to their implementation;

* * *

[See Prior Text in C.3.b-4.e]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§609. X-ray and Electron Therapy Systems with Energies of 1 MeV and Above

* * *

[See Prior Text in A-C.1.a.i]

ii. for each system, the registrant or licensee shall determine or obtain from the manufacturer the leakage radiation existing at the positions specified in LAC 33:XV.609.C.1.a.i for the specified operating conditions. Records on leakage radiation measurements shall be maintained for inspection by the ~~division~~department; and

* * *

[See Prior Text in C.1.b-b.i]

ii. for each system, the registrant or licensee shall determine or obtain from the manufacturer the leakage radiation existing at the positions specified in LAC 33:XV.609.C.1.b.i for the specified operating conditions. Records on radiation leakage shall be maintained for inspection by the ~~division~~department.

* * *

[See Prior Text in C.2-E.1.a]

b. the registrant or licensee shall obtain a written report of the survey from the qualified expert, and a copy of the report shall be transmitted by the registrant or licensee to the ~~division~~Office of Environmental Services, Permits Division within 30 days of receipt of the report; and

* * *

[See Prior Text in E.1.c-2]

a. the calibration of systems subject to LAC 33:XV.609 shall be performed in accordance with an established calibration protocol acceptable to the ~~division~~department before the system is first used for irradiation of a patient and thereafter at intervals that do not exceed 12 months, and after any change that might significantly alter the calibration, spatial distribution, or other characteristics of the therapy beam. The calibration protocol published by the American Association of Physicists in Medicine is accepted as an established protocol. For other protocols, the user shall submit that protocol to the ~~division~~Office of Environmental Services, Permits Division for written concurrence that the protocol is acceptable;

* * *

[See Prior Text in E.2.b-3]

a. the spot-check procedures shall be in writing and shall have been developed by a radiological physicist. A copy of the procedure shall be submitted to the ~~division~~Office of Environmental Services, Permits Division prior to its implementation;

* * *

[See Prior Text in E.3.b-4.c]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§610. Computed Tomography X-ray Systems

* * *

[See Prior Text in A-D.1.a]

b. the registrant or licensee shall obtain a written report of the survey from the qualified expert, and a copy of the report shall be made available to the ~~division~~department upon request.

* * *

[See Prior Text in D.2-2.f.ii]

g. calibration procedures shall be in writing. Records of calibrations performed shall be maintained for inspection by the ~~division~~department.

* * *

[See Prior Text in D.3-3.d.ii]

e. written records of the spot checks performed shall be maintained for inspection by the ~~division~~department.

* * *

[See Prior Text in D.4-4.c]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Appendix A

Information on Radiation Shielding Required for Plan Reviews

In order for the ~~division~~department to provide an evaluation, technical advice, and official approval of shielding requirements for a radiation installation, the following information shall be submitted:

* * *

[See Prior Text in A-C]

Appendix C

**Information to be Submitted by Persons Proposing to
Conduct Healing Arts Screening**

Persons requesting that the ~~division~~department approve a healing arts screening program shall submit the following information and evaluation:

* * *

[See Prior Text in A-O]

P. Any other information requested by the ~~division~~department that may be necessary to evaluate the justification or possible effects of an X-ray screening proposal.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 7. Use of Radionuclides in the Healing Arts

§702. License Required and Exemptions

A. No person shall manufacture, produce, acquire, receive, possess, use, or transfer radioactive material for medical use except in accordance with a specific license issued by the ~~division~~department, the Nuclear Regulatory Commission, or an agreement state or as allowed in Subsection B and C of this Section.

* * *

[See Prior Text in B-D.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2101 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§703. License Amendments and Provisions for Research Involving Human Subjects

* * *

[See Prior Text in A-A.2.b]

c. identified as an authorized user or an authorized nuclear pharmacist on a ~~division~~department, Nuclear Regulatory Commission, licensing state, or agreement state license that authorizes the use of radioactive material in medical use or in the practice of nuclear pharmacy, respectively; or

d. identified as an authorized user or an authorized nuclear pharmacist on a permit issued by a ~~division~~department, Nuclear Regulatory Commission, licensing state, or agreement state specific licensee of broad scope that is authorized to permit the use of radioactive material in medical use or in the practice of nuclear pharmacy, respectively.

* * *

[See Prior Text in A.3-6]

B. Provisions for Research Involving Human Subjects. A licensee may conduct research involving human subjects using radioactive material, provided that the research is conducted, funded, supported, or regulated by a federal agency that has implemented the Federal Policy for the Protection of Human Subjects. Otherwise, a licensee shall apply for and receive approval of a specific amendment to its ~~division~~department license before conducting such research. Both

types of licensees shall, at a minimum, obtain informed consent from the human subjects and obtain prior review and approval of the research activities by an "Institutional Review Board" in accordance with the meaning of these terms as defined and described in the Federal Policy for the Protection of Human Subjects.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2101 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§704. Notifications

A. A licensee shall provide to the ~~division~~Office of Environmental Services, Permits Division a copy of the board certification, the Nuclear Regulatory Commission, or agreement state license, or the permit issued by a licensee of broad scope for each individual no later than 30 days after the date that the licensee permits the individual to work as an authorized user or an authorized nuclear pharmacist in accordance with LAC 33:XV.703.A.2.

B. A licensee shall notify the ~~division~~Office of Environmental Services, Permits Division by letter no later than 30 days after:

* * *

[See Prior Text in B.1-2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2101 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§706. Radiation Safety Officer

* * *

[See Prior Text in A-B.2.j]

k. keeping a copy of all records and reports required by the ~~division~~department regulations (LAC 33:XV), a copy of these regulations, a copy of each licensing request and license and amendments, and the written policy and procedures required by these regulations.

3. For medical use not sited at a medical institution, approve or disapprove radiation safety program changes with the advice and consent of management prior to submittal to the ~~division~~department for licensing action.

* * *

[See Prior Text in B.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§707. Radiation Safety Committee

* * *

[See Prior Text in A-A.1.d.vi]

e. The committee shall provide each member with a copy of the meeting minutes and retain one copy until the ~~division~~department authorizes its disposition.

* * *

[See Prior Text in A.2-2.c]

d. review on the basis of safety, and approve with the advice and consent of the radiation safety officer and the management representative, or disapprove, procedures and radiation safety program changes prior to submittal to the ~~division~~department for licensing action;

* * *

[See Prior Text in A.2.e-h]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2102 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§711. Mobile Nuclear Medicine Service Administrative Requirements

A. The ~~division~~department will only license mobile nuclear medicine services in accordance with this Chapter and other applicable requirements of these regulations to serve clients who do not have a ~~division~~department license.

* * *

[See Prior Text in B-C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§712. Notifications, Reports, and Records of Misadministrations

A. For a misadministration:

1. the licensee shall notify by telephone the ~~division~~Office of Environmental Compliance at (225) 765-0160 no later than the next calendar day after discovery of the misadministration;

2. the licensee shall submit a written report to the ~~division~~Office of Environmental Compliance within 15 days after discovery of the misadministration. The written report shall include the licensee's name; the prescribing physician's name; a brief description of the event; why the event occurred; the effect on the individual who received the administration; what improvements are needed to prevent recurrence; actions taken to prevent recurrence; whether the licensee notified the individual, or the individual's responsible relative or guardian (this person will be subsequently referred to as "the individual" in this Section), and if not, why not, and if the individual was notified, what information was provided to the individual. The report shall not include the individual's name or other information that could lead to identification of the individual. To meet the requirements of this Section, the notification of the individual receiving the misadministration may be made instead to that individual's responsible relative or guardian, when appropriate;

* * *

[See Prior Text in A.3-4]

- a. a copy of the report that was submitted to the ~~division~~department; or
- b. a brief description of both the event and the consequences as they may affect the individual, provided a statement is included that the report submitted to the ~~division~~department can be obtained from the licensee.

* * *

[See Prior Text in B-C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR18:34 (January 1992), amended LR 24:2102 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§714. Quality Control of Imaging Equipment

Each licensee shall establish written quality control procedures for all equipment used to obtain images from radionuclide studies. As a minimum, the procedures shall include quality control procedures recommended by equipment manufacturers or procedures that have been approved by the ~~division~~department. The licensee shall conduct quality control procedures in accordance with written procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§716. Calibration and Check of Survey Instruments

* * *

[See Prior Text in A-E.2]

F. To meet the requirements of LAC 33:XV.716.A, B, and C, the licensee may obtain the services of individuals licensed by the ~~division~~department, the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state to perform calibrations of survey instruments. Records of calibrations that contain information required by LAC 33:XV.716.E shall be maintained by the licensee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§719. Requirements for Possession of Sealed Sources and Brachytherapy Sources

* * *

[See Prior Text in A]

1. Follow radiation safety and handling instructions approved by the ~~division~~department, the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state, and furnished by the manufacturer on the label attached to the source, device, or permanent container thereof, or in the leaflet or brochure that accompanies the source or device, and maintain such instruction in a legible and conveniently available form.

2. Assure that needles or standard medical applicator cells containing cobalt-60 as wire, radium-226, or cesium-137 are not opened while in the licensee's possession unless specifically authorized by the ~~division~~department.

* * *

[See Prior Text in B-B.1]

2. the source is tested for leakage at intervals not to exceed six months or at intervals approved by the ~~division~~department, another agreement state, a licensing state, or the U.S. Nuclear Regulatory Commission.

* * *

[See Prior Text in C-E.1]

2. file a written report with the ~~division~~Office of Environmental Compliance, Surveillance Division within five days of receiving the leak test results ~~with the division~~ describing the equipment involved, the test results, and the action taken.

* * *

[See Prior Text in F-I]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§731. Use of Radiopharmaceuticals, Generators, and Reagent Kits or Imaging and Localization Studies

* * *

[See Prior Text in A-D]

E. Provided the conditions of LAC 33:XV.733 are met, a licensee shall use radioactive aerosols or gases only if specific application is made to and approved by the ~~division~~department.

* * *

[See Prior Text in F-F.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Repealed and repromulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2104 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§732. Permissible Molybdenum-99 Concentration

* * *

[See Prior Text in A-C]

D. A licensee shall report immediately ~~to the division~~ each occurrence of molybdenum-99 concentration exceeding the limits specified in LAC 33:XV.732.A: to the Office of Environmental Compliance by telephone at (225) 765-0160.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§736. Safety Instruction

* * *

[See Prior Text in A-B.6]

C. A licensee shall keep a record of individuals receiving instruction required by LAC 33:XV.736.A, a description of the instruction, the date of instruction, and the name of the individual who gave the instruction. Such record shall be maintained for inspection by the ~~division~~department for two years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2105 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§737. Safety Precautions

* * *

[See Prior Text in A-A.6]

7. submit to the ~~division~~Office of Environmental Services, Permits Division an acceptable procedure to measure the thyroid burden of each individual who helps prepare or administer a dosage of iodine-131. Measurements shall be performed within three days after administering the dosage, and records shall include each thyroid burden measurement, date of measurement, the name of the individual whose thyroid burden was measured, and the initials of the individual who made the measurements. The records shall be retained for the period required by LAC 33:XV.472.B.

* * *

[See Prior Text in B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air

Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2105 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§748. Maintenance and Repair Restrictions

Only a person specifically licensed by the ~~division~~department, the U.S. Nuclear Regulatory Commission, or an agreement state to perform teletherapy unit maintenance and repair shall install, relocate, or remove a teletherapy sealed source, or a teletherapy unit that contains a sealed source, or maintain, adjust, or repair the source drawer, the shutter, or other mechanism of a teletherapy unit that could expose the source, reduce the shielding around the source, or result in increased radiation levels.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§757. Periodic Spot-checks

* * *

[See Prior Text in A-G.6]

H. A licensee shall lock the control console in the "off" position if any door interlock malfunctions. No licensee shall use the unit until the interlock system is repaired unless specifically authorized to do so in writing by the ~~division~~department.

* * *

[See Prior Text in I-J]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§758. Radiation Surveys for Teletherapy Facilities

* * *

[See Prior Text in A-B.1]

2. until the licensee has received a specific exemption from the ~~division~~department.

* * *

[See Prior Text in C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§761. Reports of Teletherapy Surveys, Checks, Tests, and Measurements

A licensee shall furnish a copy of the records required in LAC 33:XV.758, 759, and 760, and the output from the teletherapy source expressed as rems (sieverts) per hour at 1 meter from the source as determined during the full calibration required in LAC 33:XV.756 to the ~~division~~Office of Environmental Services, Permits Division within 30 days following completion of the action that initiated the record requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§762. Five-Year Inspection

* * *

[See Prior Text in A]

B. This inspection and servicing shall be performed only by persons specifically licensed to do so by the ~~division~~department, an agreement state, or the U.S. Nuclear Regulatory Commission.

* * *

[See Prior Text in C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§763. Training

* * *

[See Prior Text in A-A.2.e]

f. one year of full-time experience in radiation safety at a medical institution under the supervision of the individual identified as the radiation safety officer on a ~~division~~department, agreement state, licensing state, or Nuclear Regulatory Commission license that authorizes the medical use of radioactive material; or

* * *

[See Prior Text in A.3]

B. Experienced Radiation Safety Officer. An individual identified as a radiation safety officer on a ~~division~~department, agreement state, licensing state, or Nuclear Regulatory Commission license on February 20, 1991, who oversees only the use of radioactive material for which the licensee was authorized on that date need not comply with the training requirements of Subsection A of this Section.

* * *

[See Prior Text in C-L]

M. Experienced Authorized Users. Practitioners of the healing arts identified as authorized users for the human use of radioactive material on a ~~division~~department license on February 20, 1991, who perform only those methods of use for which they were authorized on that date need not comply with the training requirements of this Section.

* * *

[See Prior Text in N-O]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 24:2106 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§776. Medical Advisory Committee

A medical advisory committee will evaluate applications for all nonroutine uses of radioactive materials in humans and may evaluate the clinical training and experience of physicians seeking licensure by the ~~division~~department. In the event of disapproval by the ~~division~~department, the preceptor and physician seeking licensure shall be given the opportunity to address the ~~division's~~department's concerns prior to any proposed disapproval becoming final. This committee contains licensed physicians with medical experience in the use of radioisotopes and radiation. The medical advisory committee will have representatives of diagnostic radiology, therapeutic radiology, internal medicine, pathology, pharmacology, cardiology, nuclear medicine, and medical physics.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§777. Quality Management Program

* * *

[See Prior Text in A-D.2]

E. The licensee may make modifications to the quality management program to increase the program's efficiency provided the program's effectiveness is not decreased. The licensee shall furnish the modification to the ~~division~~Office of Environmental Services, Permits Division within 30 days after the modification has been made.

F. Each applicant for a new license, as applicable, shall submit to the ~~division~~Office of Environmental Services, Permits Division a quality management program as part of the application for a license and implement the program upon issuance of the license by the ~~division~~department.

G. Each existing licensee, as applicable, shall submit to the ~~division~~Office of Environmental Services, Permits Division by July 1, 1992 a written certification that the quality management program has been implemented along with a copy of the program.

* * *

[See Prior Text in H]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 21:554 (June 1995), amended LR 24:2110 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 8. Radiation Safety Requirements for Analytical X-Ray Equipment

§803. Equipment Requirements

A. Safety Device. A device which prevents the entry of any portion of an individual's body into the primary X-ray beam path or which causes the beam to be shut off upon entry into its path shall be provided on all open-beam configurations. A registrant or licensee may apply to the ~~division~~Office of Environmental Services, Permits Division for an exemption from the requirement of a safety device. Such application shall include:

* * *

[See Prior Text in A.1-H]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§804. Area Requirements

* * *

[See Prior Text in A-B.1.f]

2. Radiation survey measurements shall not be required if a registrant or licensee can demonstrate compliance with LAC 33:XV.804.A to the satisfaction of the ~~division~~department in some other manner.

* * *

[See Prior Text in C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§806. Personnel Requirements

* * *

[See Prior Text in A-A.1.e]

2. Each licensee or registrant shall maintain, for inspection by the ~~division~~department, records of training which demonstrate that the requirements of this Section have been met.

* * *

[See Prior Text in B-B.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 9. Radiation Safety Requirements for Particle Accelerators

Subchapter A. Registration and Licensing Procedures

§903. General Requirements for the Issuance of a Registration or License for Particle Accelerators

A. In addition to the requirements of LAC 33:XV.Chapters 2 and 3, a registration and/or license application for use of a particle accelerator will be approved only if the ~~division~~department determines that:

* * *

[See Prior Text in A.1-7]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter B. Radiation Safety Requirements for the Use of Particle Accelerators

§906. Limitations

* * *

[See Prior Text in A-A.3]

B. Either the radiation safety committee or the radiation safety officer, in addition to duly authorized representatives of the ~~division~~department, shall have the authority to terminate the operations at a particle accelerator facility if such action is deemed necessary to minimize danger to public welfare and safety or property.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§907. Shielding and Safety Design Requirements

A. A qualified expert, specifically accepted in writing by the ~~division~~department, shall be consulted in the design of a particle accelerator installation and shall be called upon to

perform a radiation survey when the accelerator is first capable of producing radiation. A copy of the survey shall be submitted to the ~~division~~Office of Environmental Services, Permits Division.

B. Plans for construction of new accelerator installations shall be submitted to the ~~division~~Office of Environmental Services, Permits Division for approval prior to commencement of construction.

* * *

[See Prior Text in C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§910. Operating Procedures

* * *

[See Prior Text in A-B]

C. All safety and warning devices, including interlocks, shall be checked for proper operability at intervals not to exceed three months. Results of such tests shall be maintained for two years for inspection by the ~~division~~department at the accelerator facility.

D. Electrical circuit diagrams of the accelerator and the associated interlock systems shall be kept current and maintained for inspection by the ~~Division~~department and shall be available to the operator at each accelerator facility.

* * *

[See Prior Text in E-F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§911. Radiation Monitoring Requirements

* * *

[See Prior Text in A]

B. A radiation protection survey shall be performed, documented, and submitted to the ~~division~~Office of Environmental Services, Permits Division by a qualified expert specifically approved in writing by the ~~division~~department when changes have been made in shielding, operation, equipment, or occupancy of adjacent areas.

* * *

[See Prior Text in C-G]

H. Records of all radiation protection surveys, calibrations, and instrumentation tests shall be maintained at each accelerator facility for inspection by the ~~division~~department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§912. Ventilation Systems

* * *

[See Prior Text in A]

B. A registrant and/or licensee, as required by LAC 33:XV.416, shall not vent, release, or otherwise discharge airborne radioactive material to an unrestricted area in concentrations that exceed the limits specified in LAC 33:XV.Chapter 4, Appendix B, Table II, except as authorized pursuant to LAC 33:XV.422.B or 461. For purposes of this Subsection, concentrations may be averaged over a period not greater than one year. Every reasonable effort should be made to maintain releases of radioactive material to unrestricted areas as far below these limits as is reasonably achievable. Records of intentional releases shall be maintained for two years for inspection by the ~~division~~department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 10. Notices, Instructions, and Reports to Workers; Inspections

§1001. Purpose and Scope

This Chapter establishes requirements for notices, instructions, and reports by licensees or registrants to individuals engaged in work under a license or registration and options available to such individuals in connection with ~~division~~department inspections of licensees or registrants to ascertain compliance with the provisions of the act and regulations, orders, and licenses issued thereunder regarding radiological working conditions. The regulations in this Chapter apply to all persons who receive, possess, use, own, or transfer sources of radiation licensed or registered pursuant to LAC 33:XV.Chapters 2 and 3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1011. Posting of Notices to Workers

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[See Prior Text in A-B]

C. Form DRC-3, "Notice to Employees, " shall be posted by each licensee or registrant as required by LAC 33:XV. Form DRC-3 will be furnished by the ~~division~~department on request.

* * *

[See Prior Text in D-E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 20:653 (June 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1013. Notifications and Reports to Individuals

* * *

[See Prior Text in A-C]

D. When a licensee or registrant is required, in accordance with LAC 33:XV.486, 487, or 488, to report to the ~~division~~department any exposure of an identified occupationally exposed individual, or an identified member of the public, to radiation or radioactive material, the licensee or the registrant shall also provide the individual a written report on his or her exposure data included therein. Such reports shall be transmitted at a time not later than the transmittal to the ~~division~~department.

* * *

[See Prior Text in E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), LR 22:976 (October 1996), LR 24:2111 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1014. Presence of Representatives of Licensees or Registrants and of Workers During Inspection

A. Each licensee or registrant shall afford to the ~~division~~department, at all reasonable times, opportunity to inspect materials, machines, activities, facilities, premises, and records pursuant to LAC 33:XV.

B. During an inspection, ~~division~~department inspectors may consult privately with workers as specified in LAC 33:XV.1015. The licensee or registrant, or his or her representative, may accompany ~~division~~department inspectors during other phases of an inspection.

C. If, at the time of inspection, an individual has been authorized by the workers to represent them during ~~division~~department inspections, the licensee or registrant shall notify the inspectors of such authorization and shall give the workers' representative an opportunity to accompany the inspectors during the inspection of physical working conditions.

* * *

[See Prior Text in D-E]

F. With the approval of the licensee or registrant and the workers' representative, an individual who is not routinely engaged in work under control of the licensee or registrant, for example, a consultant to the licensee or registrant or to the workers' representative, shall be afforded the opportunity to accompany ~~division~~department inspectors during the inspection of physical working conditions.

G. Notwithstanding the other provisions of this Section, ~~division~~department inspectors are authorized to refuse to permit accompaniment by any individual who deliberately interferes with a fair and orderly inspection. With regard to any area containing proprietary information, the workers' representative for that area shall be an individual previously authorized by the licensee or registrant to enter that area.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1015. Consultation With Workers During Inspections

A. ~~Division~~Department inspectors may consult privately with workers concerning matters of occupational radiation protection and other matters related to applicable provisions of the Louisiana Radiation Protection Regulations (LAC 33:XV) and licenses to the extent the inspectors deem necessary for the conduct of an effective and thorough inspection.

* * *

[See Prior Text in B-C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1016. Requests by Workers for Inspections

A. Any worker or representative of workers believing that a violation of the act, LAC 33:XV, or license conditions exists or has occurred in work under a license or registration with regard to radiological working conditions in which the worker is engaged may request an inspection by giving notice of the alleged violation to the ~~division~~Office of Environmental Compliance, Surveillance Division. Any such notice shall be in writing, shall set forth the specific grounds for the notice, and shall be signed by the worker or representative of the workers. A copy shall be provided to the licensee or registrant by the ~~division~~department no later than at the time of inspection except that, upon the request of the worker giving such notice, such worker's name and the names of individuals referred to therein shall not appear in such copy or on any record published, released, or made available by the ~~division~~department, except for good cause shown.

B. If, upon receipt of such notice, the ~~division~~department determines that the complaint meets the requirements set forth in LAC 33:XV.1016.A and that there are reasonable grounds to believe that the alleged violation exists or has occurred, the ~~division~~department shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists or has occurred. Inspections performed pursuant to this Section need not be limited to matters referred to in the complaint.

* * *

[See Prior Text in C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1017. Inspections Not Warranted: Informal Review

* * *

[See Prior Text in A]

1. If the ~~division~~department determines, with respect to a complaint filed under LAC 33:XV.1016, that an inspection is not warranted because there are no reasonable grounds to believe that a violation exists, is occurring, or has occurred, the ~~division~~department shall notify the complainant in writing of such determination. The complainant may obtain review of such determination by submitting a written statement of position with the administrative authority, who will provide the licensee or registrant with a copy of such statement by certified mail, return receipt requested, excluding, at the request of the complainant, the name of the complainant. The licensee or registrant may submit an opposing written statement of position with the ~~administrative authority~~Office of Environmental Compliance, Surveillance Division that will provide the complainant with a copy of such statement by certified mail, return receipt requested.

2. Upon the request of the complainant, the administrative authority may hold an informal conference in which the complainant and the licensee or registrant may orally present their views. An informal conference may also be held at the request of the licensee or registrant, but disclosure of the identity of the complainant will be made only following receipt of written authorization from the complainant. After considering all written or oral views presented, the administrative authority shall affirm, modify, or reverse the determination of the ~~division~~department and furnish the complainant and the licensee or registrant a written notification of his or her decision and the reason therefore.

B. Requirements of LAC 33:XV.1016.A Not Met. If the ~~division~~department determines that an inspection is not warranted because the requirements of LAC 33:XV.1016.A have not been met, it shall notify the complainant in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of LAC 33:XV.1016.A.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 19:1421 (November 1993), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 11. Radiation Safety Requirements for Radioactive Mineral Tailings and Industrial By-Product Piles

§1102. Specific Requirements for Tailings, Piles and Ponds

Unless specifically provided otherwise by the secretary, the following requirements for tailing, pile and pond areas shall be fulfilled:

A. Access to such areas shall be controlled and posted as specified by the ~~division~~department.

* * *

[See Prior Text in B-C]

D. With the exception of reprocessing at the site, approval by the ~~division~~department must be obtained prior to removal of any material from these areas.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1103. Sale or Transfer of the Site

The ~~division~~Office of Environmental Services, Permits Division shall be given written notice 30 days in advance of any contemplated transfer of right, title or interest in the site by deed, lease or other conveyance. The written notice shall contain the name and address of the proposed purchaser or transferee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1104. Abandonment of the Site

Prior to abandonment of the site, the requirements of this Section shall be fulfilled.

* * *

[See Prior Text in A-C]

D. Detailed plans for compliance with LAC 33:XV.1104.A, B and C shall be submitted to the ~~division~~Office of Environmental Services, Permits Division for review and approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1105. Waiver

Upon application to the ~~secretary~~administrative authority, certain requirements of this Chapter may be waived or modified if it can be shown that the requirements are unnecessary or impractical in specific cases.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 13. Licensing Requirements for Land Disposal of Radioactive Waste

Subchapter A. General Provisions

§1301. Purpose and Scope

A. The regulations in this Chapter establish procedures, criteria, and terms and conditions upon which the ~~division~~department issues licenses for the land disposal of wastes received from other persons. [Applicability of the requirements in this Chapter to ~~division~~department licenses for waste disposal facilities in effect on the effective date of this regulation will be determined on a case-by-case basis and implemented through terms and conditions of this Chapter are in addition to, and not in substitution for, other applicable requirements of these regulations].

* * *

[See Prior Text in B-C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1303. License Required

A. No person may receive, possess, and dispose of radioactive waste containing source, special nuclear or byproduct material at a land disposal facility unless authorized by a license issued by the ~~division~~department pursuant to this Chapter, and Chapter 3 of these regulations.

B. Each person shall file an application with the ~~division~~Office of Environmental Services, Permits Division pursuant to LAC 33:XV.324 of these regulations and obtain a license as provided in this Chapter before commencement of construction of a land disposal facility. Failure to comply with this requirement may be grounds for denial of a license.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1309. Institutional Information

The institutional information submitted to the Office of Environmental Services, Permits Division by the applicant shall include:

* * *

[See Prior Text in A-B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1311. Requirements for Issuance of a License

A license for the receipt, possession, and disposal of waste containing or contaminated with radioactive material will be issued by the ~~division~~department upon finding that:

* * *

[See Prior Text in A-I]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1312. Conditions of Licenses

A. A license issued under this Chapter, or any right thereunder, may be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, only if the ~~division~~department finds, after securing full information, that the transfer is in accordance with the provisions of the Act and gives its consent in writing in the form of a license amendment.

B. The licensee shall submit written statements under oath upon request of the ~~division~~department, at any time before termination of the license, to enable the ~~division~~department to determine whether the license should be modified, suspended, or revoked.

C. The license will be transferred to the site owner only on the full implementation of the final closure plan as approved by the ~~division~~department, including post-closure observation and maintenance.

D. The licensee shall be subject to the provisions of the Act now or hereafter in effect, and to all rules, regulations, and orders of the ~~division~~department. The terms and conditions of the license are subject to amendment, revision, or modification, by reason of amendments to, or by reason of rules, regulations, and orders issued in accordance with the terms of the Act.

E. Each person licensed by the ~~division~~department pursuant to the regulations in this Chapter shall confine possession and use of materials to the locations and purposes authorized in the license.

F. The licensee shall not dispose of waste until the ~~division~~department has inspected the land disposal facility and has found it to be in conformance with the description, design, and construction described in the application for a license.

G. The ~~division~~department may incorporate in any license at the time of issuance, or thereafter, by appropriate rule, regulation or order, additional requirements and conditions with respect to the licensee's receipt, possession, and disposal of waste as it deems appropriate or necessary in order to:

* * *

[See Prior Text in G.1-H]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1313. Application for Renewal or Closure

* * *

[See Prior Text in A]

B. Applications for renewal of a license must be filed in accordance with LAC 33:XV.1305-1310. Applications for closure must be filed in accordance with LAC 33:XV.1314. Information contained in previous applications, statements, or reports filed with the ~~division~~department under the license may be incorporated by reference if the references are clear and specific.

C. In any case in which a licensee has filed an application in proper form for renewal of a license, the license does not expire until the ~~division~~department has taken final action on the application for renewal.

D. In determining whether a license will be renewed, the ~~division~~department will apply the criteria set forth in LAC 33:XV.1311.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1314. Contents of Application for Site Closure and Stabilization

A. Prior to final closure of the disposal site, or as otherwise directed by the ~~division~~department, the applicant shall submit an application to the Office of Environmental Services, Permits Division to amend the license for closure. This closure application shall include a final revision and specific details of the disposal site closure plan included as part of the license application submitted under LAC 33:XV.1307.G that includes each of the following:

* * *

[See Prior Text in A.1-4]

B. Upon review and consideration of an application to amend the license for closure submitted in accordance with LAC 33:XV.1314.A., the ~~division~~department shall issue an amendment authorizing closure if there is reasonable assurance that the long-term performance objectives of this Chapter will be met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1315. Postclosure Observation and Maintenance

The licensee shall observe, monitor, and carry out necessary maintenance and repairs at the disposal site until the site closure is complete and the license is transferred by the ~~division~~department in accordance with LAC 33:XV.1316. Responsibility for the disposal site must be maintained by the licensee for five years. A shorter or longer time period for postclosure observation and maintenance may be established and approved as part of the site closure plan, based on site-specific conditions.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1316. Transfer of License

Following closure and the period of postclosure observation and maintenance, the licensee may apply for an amendment to transfer the license to the disposal site owner. The license shall be transferred when the ~~division~~department finds:

* * *

[See Prior Text in A-E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1317. Termination of License

* * *

[See Prior Text in A-B]

C. A license shall be terminated only when the ~~division~~department finds:

* * *

[See Prior Text in C.1-3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter C. Technical Requirements for Land Disposal Facilities

§1323. Disposal Site Suitability Requirements for Land Disposal

A. Disposal Site Suitability for Near-Surface Disposal. The primary emphasis in disposal site suitability is given to isolation of wastes and to disposal site features that ensure that the long-term performance objectives are met.

* * *

[See Prior Text in A.1-5]

6. This disposal site shall provide sufficient depth to the water table that ground water intrusion, perennial or otherwise, into the waste will not occur. The ~~division~~department will consider an exception to this requirement to allow disposal below the water table if it can be conclusively shown that disposal site characteristics will result in molecular diffusion being the predominant means of radionuclide movement and the rate of movement will result in the performance objectives being met. In no case will waste disposal be permitted in the zone of fluctuation of the water table.

* * *

[See Prior Text in A.7-10]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1325. Land Disposal Facility Operation and Disposal Site Closure

A. Near-Surface Disposal Facility Operation and Disposal Site Closure

* * *

[See Prior Text in A.1-11]

12. Proposals for disposal of waste that is not generally acceptable for near-surface disposal because the waste form and disposal methods must be different and, in general, more stringent than those specified for Class C waste, may be submitted to the ~~Division~~Office of Environmental Services, Permits Division for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1327. Alternative Requirements for Design and Operations

The ~~division~~department may, upon request or on its own initiative, authorize provisions other than those set forth in LAC 33:XV.1324 - 1326 for the segregation and disposal of waste and for the design and operation of a land disposal facility on a specific basis, if it finds reasonable assurance of compliance with the performance objectives of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1328. Institutional Requirements

* * *

[See Prior Text in A]

B. Institutional Control. The land owner or custodial agency shall conduct an institutional control program to physically control access to the disposal site following transfer of control of the disposal site from the disposal site operator. The institutional control program shall also include, but not be limited to, conducting an environmental monitoring program at the disposal site, periodic surveillance, minor custodial care, and other requirements as determined by the ~~division~~department, and administration of funds to cover the costs for these activities. The period of institutional controls will be determined by the ~~division~~department, but institutional controls may not be relied upon for more than 100 years following transfer of control of the disposal site to the owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter D. Financial Assurances

§1331. Funding for Disposal Site Closure and Stabilization

* * *

[See Prior Text in A-A.1]

2. closure and stabilization of the disposal site so that following transfer of the disposal site to the site owner, the need for ongoing active maintenance is eliminated to the extent practicable and only minor custodial care, surveillance, and monitoring are required.

These assurances shall be based on ~~division~~department approved cost estimates reflecting the ~~division~~department approved plan for disposal site closure and stabilization. The applicant's cost estimates must take into account total costs that would be incurred if an independent contractor were hired to perform the closure and stabilization work.

B. In order to avoid unnecessary duplication and expense, the ~~division~~department will accept financial sureties that have been consolidated with earmarked financial or surety arrangements established to meet requirements of federal or other state agencies [and/or local governmental bodies] for such decontamination, closure, and stabilization. The ~~division~~department will accept these arrangements only if they are considered adequate to satisfy the requirements of LAC 33:XV.1331 and that the portion of the surety which covers the closure of the disposal site is clearly identified and committed for use in accomplishing these activities.

C. The licensee's financial or surety arrangement shall be submitted annually for review by the ~~division~~Office of Management and Finance, Financial Services Division to assure that sufficient funds will be available for completion of the closure plan.

* * *

[See Prior Text in D]

E. The financial or surety arrangement shall be written for a specified period of time and shall be automatically renewed unless the person who issues the surety notified the ~~division~~Office of Management and Finance, Financial Services Division, the beneficiary [the site owner], and the principal [the licensee] not less than 90 days prior to the renewal date of its intention not to renew. In such a situation, the licensee must submit a replacement surety within 30 days after notification of cancellation. If the licensee fails to provide a replacement surety acceptable to the ~~division~~department, the beneficiary may collect on the original surety.

* * *

[See Prior Text in F]

G. Financial or surety arrangements generally acceptable to the ~~division~~department include surety bonds, cash deposits, certificates of deposit, deposits of government securities, escrow accounts, irrevocable letters or lines of credit, trust funds, and combinations of the above or such other types of arrangements as may be approved by the ~~division~~department. Self-insurance, or any arrangement which essentially constitutes self-insurance, will not satisfy the surety requirement for private sector applicants.

H. The licensee's financial or surety arrangement shall remain in effect until the closure and stabilization program has been completed and approved by the ~~division~~department, and the license has been transferred to the site owner.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1332. Financial Assurances for Institutional Controls

A. Prior to the issuance of the license, the applicant shall provide for ~~division~~Office of Management and Finance, Financial Services Division approval, a binding arrangement, between the applicant and the disposal site owner that ensures that sufficient funds will be available to cover the costs of monitoring and any required maintenance during the institutional control period. The binding arrangement shall be reviewed annually by the ~~division~~department to ensure that changes in inflation, technology, and disposal facility operations are reflected in the arrangements.

B. Subsequent changes to the binding arrangement specified in Subsection A of this Section ~~A~~ relevant to institutional control shall be submitted to the ~~division~~Office of Management and Finance, Financial Services Division for prior approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter E. Records, Reports, Tests and Inspections**§1333. Maintenance of Records, Reports and Transfers**

A. Each licensee shall maintain any records and make any reports in connection with the licensed activities as may be required by the conditions of the license or by the rules, regulations, and orders of the ~~division~~department.

B. Records which are required by these regulations or by license conditions shall be maintained for a period specified by the appropriate regulations or by license condition. If a retention period is not otherwise specified, these records must be maintained and transferred to the officials specified in LAC 33:XV.1333.D as a condition of license termination unless the ~~division~~department otherwise authorizes their disposition.

* * *

[See Prior Text in C]

D. Notwithstanding Subsections A-C of this Section, copies of records of the location and the quantity of radioactive wastes contained in the disposal site shall be transferred upon license termination to the chief executive of the nearest municipality, the chief executive of the county in which the facility is located, the county zoning board or land development and planning agency, the state governor, and other state, local, and federal governmental agencies as designated by the ~~division~~department at the time of license termination.

E. Following receipt and acceptance of a shipment of radioactive waste, the licensee shall record the date of disposal of the waste, the date that the shipment is received at the disposal facility, a traceable shipment manifest number, a description of any engineered barrier or structural overpack provided for disposal of the waste, the location of disposal at the disposal

site, the containment integrity of the waste packages as received, any discrepancies between materials listed on the manifest and those received, the volume of any pallets, bracing, or other shipping or on-site generated materials that are contaminated and are disposed of as contaminated or suspect materials, and any evidence of leaking or damaged packages or radiation or contamination levels in excess of limits specified in U.S. Department of Transportation and ~~division~~department regulations. The licensee shall briefly describe any repackaging operations of any of the waste packages included in the shipment, plus any other information required by the ~~division~~department as a license condition. The licensee shall retain these records until the ~~division~~department transfers or terminates the license that authorizes the activities described in this Section.

F. Each licensee authorized to dispose of waste received from other persons shall file a copy of its financial report or a certified financial statement annually with the ~~Division~~Office of Management and Finance, Financial Services Division in order to update the information base for determining financial qualifications.

G. Each licensee authorized to dispose of waste received from other persons, in accordance with this Chapter, shall submit annual reports to the ~~division~~Office of Environmental Compliance, Surveillance Division. Reports shall be submitted by the end of the first calendar quarter of each year for the preceding year.

* * *

[See Prior Text in G.1-1.e]

f. any other information the ~~division~~department may require.

* * *

[See Prior Text in G.2]

H. If there is a conflict between the ~~division's~~department's regulations in this Chapter, license condition, or other written ~~division~~department approval or authorization pertaining to the retention period for the same type of record, the longest retention period specified takes precedence.

* * *

[See Prior Text in I-J.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2111 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1334. Tests on Land Disposal Facilities

Each licensee shall perform, or permit the ~~Division~~Department to perform, any tests the ~~division~~department deems appropriate or necessary for the administration of the regulations in this Chapter, including, but not limited to, tests of:

* * *

[See Prior Text in A-D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1335. ~~Division~~Department Inspections of Land Disposal Facilities

A. Each licensee shall afford to the ~~division~~department at all reasonable times opportunity to inspect waste not yet disposed of, and the premises, equipment, operations, and facilities in which wastes are received, possessed, handled, treated, stored, or disposed of.

B. Each licensee shall make available to the ~~division~~department for inspection, upon reasonable notice, records kept by it pursuant to these regulations. Authorized representatives of the ~~division~~department may copy and take away copies of, for the division's use, any record required to be kept pursuant to these regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 14. Regulation and Licensing of Naturally Occurring Radioactive Material (NORM)

§1404. Exemptions

* * *

[See Prior Text in A-C.2]

D. The ~~division~~department may on a case by case basis approve alternate limits or measurement procedures for an exemption under LAC 33:XV:1404.A, B, or C.

E. Persons who receive source material, as authorized under the general license in LAC 33:XV.321.A, and products or materials containing NORM, distributed in accordance with a specific license issued by the ~~division~~department or an equivalent license issued by another licensing state, are exempt from these regulations.

* * *

[See Prior Text in F-J]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Nuclear Energy Division, LR 15:736 (September 1989), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:605 (June 1992), amended LR 21:25 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1407. Surveys

* * *

[See Prior Text in A-B]

C. Upon completion of survey(s) of equipment and facilities that verify that NORM regulated by this Chapter is not present, an individual may submit documentation to the ~~division~~Office of Environmental Services, Permits Division indicating that the equipment and facilities are exempt from the requirements of this Chapter pursuant to LAC 33:XV.1404.

D. Any survey submitted to the ~~division~~department must include the qualifications of the individual performing the survey. Individuals performing and documenting the surveys shall demonstrate understanding of the subjects outlined in Appendix A of this Chapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 21:26 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1408. General License

* * *

[See Prior Text in A]

1. Persons subject to the general license shall notify the ~~division~~Office of Environmental Services, Permits Division by filing the Notification of NORM Form (Form RPD-36) with the ~~division~~department.

2. A confirmatory survey showing the presence of NORM in excess of exempt levels provided in LAC 33:XV.1404 shall be submitted to the ~~division~~Office of Environmental Services, Permits Division.

3. Each general licensee performing on-site maintenance on contaminated facilities, sites, or equipment or the excavation of land shall establish and submit to the ~~division~~Office of Environmental Services, Permits Division for approval written procedures as outlined in Appendix B of this ~~e~~Chapter to ensure worker protection and for the survey (or screening) of sites and equipment.

* * *

[See Prior Text in A.4]

5. Each general licensee shall establish and submit to the ~~division~~Office of Environmental Services, Permits Division for approval written procedures for the survey (or screening) of sites and equipment to ensure that NORM is not released for unrestricted use except under the provisions of LAC 33:XV.1417.

* * *

[See Prior Text in A.6-6.a]

b. To store NORM waste in a container for up to 365 days from generation, a general licensee must first submit a written NORM waste management plan to the ~~division~~Office of Environmental Services, Permits Division and receive authorization from the ~~division~~department. The general licensee may store NORM waste in containers up to 365 days from generation under the written NORM waste management plan while waiting for ~~division~~department determination.

* * *

[See Prior Text in A.7-B]

C. The decontamination for release for unrestricted use of contaminated facilities, sites, or equipment shall only be performed by persons specifically licensed by the ~~division~~department, the U.S. Nuclear Regulatory Commission, another agreement state, or another licensing state to conduct such work or as otherwise authorized by the ~~division~~department.

* * *

[See Prior Text in D-E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 21:26 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1410. General Licenses: Pipe Yards, Storage Yards, or Production Equipment Yards

* * *

[See Prior Text in A-A.1]

2. a program is developed and submitted to the ~~division~~Office of Environmental Services, Permits Division for approval to screen incoming shipments to ensure that the 50-microroentgens-per-hour limit is not exceeded for individual pieces of tubular goods or equipment;

3. a program is developed and submitted to the ~~division~~Office of Environmental Services, Permits Division for approval to ensure worker protection, as outlined in Appendix B of this Chapter;

4. a program is developed and submitted to the ~~division~~Office of Environmental Services, Permits Division for approval to control soil contamination;

5. a program is developed and submitted to the ~~division~~Office of Environmental Services, Permits Division for approval to prevent release of NORM contamination beyond the site boundary;

6. a program is developed and submitted to the ~~division~~Office of Environmental Services, Permits Division for approval for surveying and decontamination to ensure that soil contamination is not allowed to exceed 200 picocuries per gram of radium-226 or radium-228 or an exposure rate of 50 microroentgens per hour at one meter from the soil at any time;

7. a plan for cleanup is submitted to the ~~division~~Office of Environmental Services, Permits Division within 180 days of the effective date of these regulations for existing facilities that have NORM contaminated soil in excess of the limit in LAC 33:XV.1410.A.6. The plan shall include a schedule for cleanup that is to be approved by the ~~division~~department. The general licensee may include in this plan an application to the ~~division~~department for a one time authorization to perform this cleanup or use a specific licensee; and

* * *

[See Prior Text in A.8-B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Nuclear Energy Division, LR 15:736 (September 1989), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:605 (June 1992), amended LR 21:26 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1412. Treatment, Transfer, and Disposal

* * *

[See Prior Text in A-B]

1. by transfer of the wastes to a land disposal facility licensed by the ~~division~~department, the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state;

2. by alternate methods authorized by the ~~division~~department in writing upon application or upon the ~~division's~~department's initiative. The application for alternative methods of disposal shall be submitted to the ~~division~~department for approval;

* * *

[See Prior Text in B.3-3.c]

4. for nonhazardous oilfield waste containing concentrations of NORM in excess of the limits in LAC 33:XV.1404.A.1, but not exceeding 200 picocuries per gram of radium-226 or radium-228 and daughter products, by treatment at nonhazardous oilfield waste commercial facilities specifically licensed by the ~~division~~department for such purposes. Regulation of such sites is set forth in a memorandum of understanding between the department and DNR and contained in Appendix C of this Chapter.

C. Intrastate transfers of waste containing NORM for disposal shall be made only to persons authorized by the ~~division~~department in writing to receive such waste. It is the responsibility of the transferor to ascertain that the recipient possesses specific authorization prior to transfer.

* * *

[See Prior Text in D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:606 (June 1992),

amended LR 21:27 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1414. Containers

* * *

[See Prior Text in A-F]

G. Records of inspections pursuant to LAC 33:XV.1414.E shall be maintained by the licensee for inspection by the ~~division~~department for five years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:607 (June 1992), amended LR 21:27 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1417. Release for Unrestricted Use

* * *

[See Prior Text in A-A.3]

B. If closure activities involve construction with a subsurface impact to a depth greater than three feet, prior approval by the ~~Ground Water Protection~~Office of Environmental Assessment, Environmental Technology Division must be attached as part of the application addressing the certification of the groundwater quality. All pits, ponds, and lagoons must comply with departmental regulations and/or policies dealing with groundwater quality.

C. Unless otherwise directed in writing by the ~~division~~department, in order to release property for unrestricted use, a licensee shall submit a plan for the decontamination to the ~~division~~Office of Environmental Services, Permits Division for approval. Upon approval, the licensee shall implement the plan in accordance with such approval.

1. Information contained in previous applications, statements, or reports filed with the ~~division~~department under the license may be incorporated by reference if the references are clear and specific.

2. The plan shall provide for a confirmatory survey submitted to the ~~division~~department for review.

3. The licensee shall provide notice to the ~~division~~department of completion of decontamination. Upon proper completion of the plan and notice to the ~~division~~department, the ~~division~~department shall acknowledge such completion.

* * *

[See Prior Text in C.4-E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:607 (June 1992), amended LR 21:28 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1418. NORM Manifests

* * *

[See Prior Text in A]

B. The manifest form must be obtained from the ~~division~~department and must consist of, at a minimum, the number of copies that will provide the licensee, each transporter, and the operator of the designated facility with one copy each for their records with the remaining copies to be returned to the licensee and the other appropriate parties.

* * *

[See Prior Text in C-C.6]

7. The licensee receiving a shipment is required to report to the ~~division~~Office of Environmental Services, Permits Division and to the licensee initiating the shipment any irregularities between the NORM actually received by the designated facility and the NORM described on the manifest, or any other irregularities, within 15 days. If the designated facility or receiving licensee is outside the state of Louisiana, the generating or originating licensee must report the irregularities to the ~~division~~department.

* * *

[See Prior Text in D-D.1]

a. a state manifest document which shall be obtained from ~~this the~~divisiondepartment;

* * *

[See Prior Text in D.1.b-E.3]

a. notify the ~~division~~Office of Environmental Compliance, Surveillance Division in writing within seven days;

* * *

[See Prior Text in E.3.b]

c. report the results of the investigation to the ~~division~~Office of Environmental Compliance, Surveillance Division.

* * *

[See Prior Text in F-F.3.c]

G. Designated Facility. The designated facility should fill out his portion, retain a copy for his files, submit the original to the ~~division~~department, and send all remaining copies to the licensee no later than 15 days after delivery of the NORM waste.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:608 (June 1992), amended LR 21:28 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1420. Financial Security Requirements for NORM Treaters or Storers

A. Each general licensee that stores NORM or NORM waste for greater than 90 days, and each specific licensee that leases or owns a physical location and that physically or chemically treats or stores NORM or NORM waste shall post with the ~~division~~department financial security to ensure the protection of the public health and safety and the environment in the event of abandonment, default, or other inability or unwillingness of the licensee to meet the requirements of the Act and these rules. Financial security shall:

1. name the ~~division~~department as beneficiary with a bond issued by a fidelity or surety company authorized to do business in Louisiana, a personal bond secured by such collateral as the ~~office~~department deems satisfactory, a cash bond, a liability endorsement, or a letter of credit. The amount of the bond, liability endorsement, or letter of credit shall be equal to or greater than the amount of the security required. Any security must be available in Louisiana and subject to judicial process and execution in the event required for the purposes set forth in this Section, and be continuous for the term of the license;

2. be in an amount based upon a ~~division~~department-approved cost estimates plan for decontamination, decommissioning, restoration, and reclamation of buildings, equipment, and the site to levels that would allow unrestricted use;

* * *

[See Prior Text in A.3-B]

C. On the effective date of these rules, current licenses in effect may continue, provided that the required security arrangements are submitted to the ~~division~~Office of Management and Finance, Financial Services Division within 120 days.

D. No later than 90 days after the licensee notifies the ~~division~~department that decontamination and decommissioning have been completed, the ~~division~~department shall determine if these have been conducted in accordance with these rules. If the ~~division~~department finds that the requirements have been met, the secretary or his designee shall direct the return or release of the licensee's security in full plus any accumulated interest within 14 days. If the ~~division~~department finds that the requirements have not been met, the ~~division~~department will notify the licensee of the steps necessary for compliance.

* * *

[See Prior Text in E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:609 (June 1992), amended LR 21:30 (January 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Appendix B

Detailed development of the following must be included in the required worker protection plan:

* * *

[See Prior Text in I-VII]

For operations that have the potential to produce NORM contaminated dusts (i.e., cutting, grinding, sand-blasting, welding, drilling, polishing, or handling soil) or when loose contamination is suspected, the following additional precautions shall be taken:

* * *

[See Prior Text in I-V]

In addition to the general guidance given above, there may be industrial operations such as vessel entry, dismantling of equipment, refurbishing of equipment, or transportation, which may require additional precautionary procedures which should be included in the worker protection procedures submitted to the ~~division~~department.

Appendix C

MEMORANDUM OF UNDERSTANDING

BETWEEN LOUISIANA DEPARTMENT OF NATURAL RESOURCES

OFFICE OF CONSERVATION

AND

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

~~OFFICE OF AIR QUALITY AND RADIATION PROTECTION~~

REGARDING

THE REGULATION OF NATURALLY OCCURRING RADIOACTIVE MATERIAL

AT COMMERCIAL OILFIELD WASTE TREATMENT FACILITIES

WHEREAS, the Louisiana Department of Natural Resources, Office of Conservation (DNR/OC), is authorized by State law and regulations to control the permitting, operation, and closure of commercial nonhazardous oilfield waste (NOW) disposal facilities in Louisiana, and,

WHEREAS, the Louisiana Department of Environmental Quality (DEQ) is authorized by state law and regulations to control the management and disposal of naturally occurring radioactive material (NORM), and,

WHEREAS, certain types of NOW have been recognized as occasionally containing levels of NORM that may warrant protection of public health and the environment, and,

WHEREAS, it is in the public interest for both agencies to coordinate their resources in order to provide adequate protection of public health and the environment and to avoid duplicative regulatory efforts and unnecessary expenses to DNR/OC and DEQ, the regulated community and the citizens of this state.

* * * * *

THEREFORE, the following MEMORANDUM OF UNDERSTANDING is hereby adopted to outline the specific responsibilities of each agency regarding the regulation of NORM treatment at commercial NOW facilities which are permitted and regulated under the jurisdiction of the Office of Conservation:

* * *

[See Prior Text in 1-8]

This MEMORANDUM OF UNDERSTANDING is subject to revision or cancellation upon agreement of both parties.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 15. Transportation of Radioactive Material

§1504. Requirement for License

No person shall transport radioactive material or deliver radioactive material to a carrier for transport except as authorized in a general or specific license issued by the ~~Division~~department or as exempted in LAC 33:XV.1505.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1507. General Licenses for Carriers

A. A general license is hereby issued to any common or contract carrier not exempt under LAC 33:XV.1505 to receive, possess, transport, and store radioactive material in the regular course of their carriage for another or storage incident thereto, provided the transportation and storage is in accordance with the applicable requirements, appropriate to the mode of transport, of the U.S. Department of Transportation insofar as such requirements relate to the loading and storage of packages, placarding of the transporting vehicle, and incident reporting. Any notification of incidents referred to in those U.S. Department of Transportation requirements shall be filed with, or made to, the ~~division~~

<u>Office of Environmental Compliance,</u> <u>by telephone at (225) 765-0160.</u>
--

B. A general license is hereby issued to any private carrier to transport radioactive material, provided the transportation is in accordance with the applicable requirements, appropriate to the mode of transport, of the U.S. Department of Transportation insofar as such requirements relate to the loading and storage of packages, placarding of the transporting vehicle, and incident reporting. Any notification of incidents referred to in those U.S. Department of Transportation requirements shall be filed with, or made to, the ~~division~~

<u>Office of Environmental Compliance,</u> <u>by telephone at (225) 765-0160.</u>
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* * *

[See Prior Text in C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1515. Reports

A. The licensee shall report to the ~~department~~Office of Environmental Compliance, Surveillance Division within 30 days:

* * *

[See Prior Text in A.1-3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1269 (June 2000), LR 26:**.

§1516. Advance Notification of Transport of Nuclear Waste

* * *

[See Prior Text in A-C.6]

D. The notification required by LAC 33:XV.1516.A shall be made in writing to the office of each appropriate governor or governor's designee and to the ~~department~~Office of Environmental Compliance, Surveillance Division. A notification delivered by mail must be postmarked at least seven days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A notification delivered by messenger must reach the office of the governor, or governor's designee, at least four days before the beginning of the seven-day period during which departure of the shipment is estimated to occur. A copy of the notification shall be retained by the licensee for three years.

E. The licensee shall notify each appropriate governor, or governor's designee, and the ~~department~~Office of Environmental Compliance, Surveillance Division of any changes to schedule information provided in accordance with Subsection A of this Section. Such notification shall be by telephone to a responsible individual in the office of the governor, or governor's designee, of the appropriate state or states. The licensee shall maintain for three years a record of the name of the individual contacted.

F. Each licensee who cancels a nuclear waste shipment, for which advance notification has been sent, shall send a cancellation notice to the governor, or governor's designee, of each appropriate state and to the ~~department~~Office of Environmental Compliance, Surveillance Division. A copy of the notice shall be retained by the licensee for three years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2104 and 2113 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1270 (June 2000), LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 17. Licensing and Radiation Safety Requirements for Irradiators

§1705. License Required

No person shall manufacture, produce, acquire, receive, possess, use, or transfer radioactive material for use in an irradiator, except in accordance with a specific license issued by the ~~division~~department, the Nuclear Regulatory Commission, or an agreement state. Specific license application procedures and requirements may be found in LAC 33:XV.Chapter 3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2113 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1707. Start of Construction

An applicant for a license shall not begin construction of a new irradiator prior to the submission to the ~~division~~Office of Environmental Services, Permits Division of both an application for a license for the irradiator and any fee required by the applicable state requirement or statute. As used in this Chapter, the term *construction* includes the construction of any portion of the permanent irradiator structure on the site but does not include engineering and design work, purchase of a site, site surveys or soil testing, site preparation, site excavation, construction of warehouse or auxiliary structures, and other similar tasks. Any activities undertaken prior to the issuance of a license are entirely at the risk of the applicant and have no bearing on the issuance of a license with respect to the requirements of the appropriate state statute, rules, regulations, and orders issued under the appropriate state statute.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2113 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1709. Applications for Exemptions

Any application for a license or for amendment of a license authorizing use of a teletherapy-type unit for irradiation of materials or objects may include proposed alternatives for the requirements of this Chapter. The ~~division~~department shall approve the proposed alternatives if the applicant provides adequate rationale for the proposed alternatives and demonstrates that they are likely to provide an adequate level of safety for workers and the public.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2113 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1711. Request for Written Statements

Each license is issued with the condition that the licensee shall, at any time before expiration of the license and upon the ~~division's~~department's request, submit a written statement to ~~the Office of Environmental Services, Permits Division~~ to enable the ~~division~~department to determine whether the license should be modified, suspended, or revoked.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2113 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1713. Performance Criteria for Sealed Sources

* * *

[See Prior Text in A]

1. shall have been evaluated by the ~~division~~department, the Nuclear Regulatory Commission, or an agreement state in accordance with 10 CFR 32.210;

* * *

[See Prior Text in A.2-G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2113 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1737. Operating and Emergency Procedures

* * *

[See Prior Text in A-B.10]

C. The licensee may revise operating and emergency procedures without ~~division~~department approval only if all of the following conditions are met:

* * *

[See Prior Text in C.1-4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2118 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1743. Detection of Leaking Sources

A. Each dry-source-storage sealed source shall be tested for leakage at intervals not to exceed six months using a leak test kit or method approved by the ~~division~~department, the Nuclear Regulatory Commission, an agreement state, or a licensing state. In the absence of a certificate from a transferor that a test has been made within the six months before the transfer, the sealed source shall not be used until tested. The test shall be capable of detecting the presence of 200 becquerels (0.005 μCi) of radioactive material and shall be performed by a person approved by the ~~division~~department, the Nuclear Regulatory Commission, an agreement state, or a licensing state to perform the test.

* * *

[See Prior Text in B]

C. If a leaking source is detected, the licensee shall arrange to remove the leaking source from service and have it decontaminated, repaired, or disposed of by a licensee that is authorized to perform these functions by the ~~division~~department, the Nuclear Regulatory Commission, an agreement state, or a licensing state. The licensee shall promptly check its personnel, equipment, facilities, and irradiated product for radioactive contamination. No product shall be shipped until the product has been checked and found free of contamination. If a product has been shipped that may have been inadvertently contaminated, the licensee shall arrange to locate and survey that product for contamination. If any personnel are found to be contaminated, decontamination shall be performed promptly. If contaminated equipment, facilities, or products are found, the licensee shall arrange to have them decontaminated or disposed of by a licensee that is authorized to perform these functions by the ~~division~~department, the Nuclear Regulatory Commission, an agreement state, or a licensing state. If a pool is contaminated, the licensee shall arrange to clean the pool until the contamination levels do not exceed the appropriate concentration in LAC 33:XV.Chapter 4.Appendix B.Table II, Column 2. The licensee shall report all incidents in accordance with LAC 33:XV.486.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2119 (November 1998), repromulgated LR 24:2243 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1753. Irradiation of Explosive or Flammable Materials

A. Irradiation of explosive material is prohibited unless the licensee has received prior written authorization from the ~~division~~department. Authorization shall not be granted unless the licensee can demonstrate that detonation of the explosive would not rupture the sealed sources, injure personnel, damage safety systems, or cause radiation overexposures of personnel.

B. Irradiation of more than small quantities of flammable material with a flash point below 140°F is prohibited in panoramic irradiators, unless the licensee has received prior written authorization from the ~~division~~department. Authorization shall not be granted unless the licensee can demonstrate that a fire in the radiation room could be controlled without damage to sealed sources or safety systems and without radiation overexposures of personnel.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2120 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1755. Records and Retention Periods

* * *

[See Prior Text in A-A.2]

3. a copy of the current operating and emergency procedures required by LAC 33:XV.1737 until superseded or the ~~division~~department terminates the license. Records of the radiation safety officer's review and approval of changes in procedures, as required by LAC 33:XV.1737.C.3, shall be retained for three years from the date of the change;

* * *

[See Prior Text in A.4-B]

1. a copy of the license, the license conditions, documents incorporated into the license by reference, and amendments thereto until superseded by new documents or until the ~~division~~department terminates the license for documents not superseded;

2. film badge and TLD results required by LAC 33:XV.1739 until the ~~division~~department terminates the license;

* * *

[See Prior Text in B.3-5]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 24:2120 (November 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 20. Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies

§2013. Radiation Survey Instruments

* * *

[See Prior Text in A-B.3]

C. Calibration records shall be kept and maintained for a period of two years for inspection by the ~~division~~department.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2014. Leak Testing of Sealed Sources

A. Requirements. Each licensee using sealed sources of radioactive material shall have the sources tested for leakage. Records of leak test results shall be kept in units of microcuries and maintained for inspection by the ~~division~~department two years after the next required leak test is performed or until transfer or disposal of the sealed source.

B. Method of Testing. Tests for leakage shall be performed only by persons specifically authorized to perform such tests by the ~~division~~department, the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state. The test sample shall be taken from the surface of the source, source holder, or from the surface of the device in which the source is stored or mounted and on which one might expect contamination to accumulate. The test sample shall be analyzed for radioactive contamination, and the analysis shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of radioactive material on the test sample.

* * *

[See Prior Text in C]

D. Leaking or Contaminated Source. If the test reveals the presence of 0.005 microcurie (185 Bq) or more of leakage or contamination, the licensee shall immediately withdraw the source from use and shall cause it to be decontaminated, repaired, or disposed of in accordance with these regulations. A report describing the equipment involved, the test results, and the corrective action taken shall be filed in writing with the ~~division~~Office of Environmental Compliance within 30 days of discovery of a leaking or contaminated source.

* * *

[See Prior Text in E-E.5]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2015. Quarterly Inventory

Each licensee or registrant shall conduct a quarterly physical inventory to account for all sources of radiation. Records of inventories shall be kept and maintained for two years from the date of the inventory for inspection by the ~~division~~department and shall include the quantities and kinds of sources of radiation, the location where sources of radiation are assigned, the date of inventory, and the name of the individual conducting the inventory.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2016. Utilization Records

A. Each licensee or registrant shall maintain current records, which shall be kept available for inspection by the ~~division~~department for two years from the date of the recorded event, showing the following information for each source of radiation:

* * *

[See Prior Text in A.1-4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2017. Design, Performance, and Certification Criteria for Sealed Sources Used in Downhole Operations

A. Each sealed source, except those containing radioactive material in gaseous form, used in downhole operations and manufactured after October 20, 1988, shall be certified by the manufacturer, or other testing organization acceptable to the ~~division~~department, to meet the following minimum criteria:

* * *

[See Prior Text in A.1-B]

C. Each sealed source, except those containing radioactive material in gaseous form, used in downhole operations after October 20, 1988, shall be certified by the manufacturer, or other testing organization acceptable to the ~~division~~department, as meeting the sealed source performance requirements for oil well-logging as contained in the American National Standard N542, "Sealed Radioactive Sources, Classification," in effect on October 20, 1987.

D. Certification documents shall be kept and maintained for inspection by the ~~division~~department for a period of two years after source disposal. If the source is abandoned downhole, the certification documents shall be maintained until the ~~division~~department authorizes disposition in writing.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2019. Inspection and Maintenance

A. Each licensee or registrant shall conduct, at intervals not to exceed six months, a program of inspection and maintenance of source-holders, logging tools, source- handling tools, storage containers, transport containers, and injection tools to assure proper labeling and physical condition. Records of inspection and maintenance shall be kept and maintained for a period of two years for inspection by the ~~division~~department.

* * *

[See Prior Text in B]

C. The repair, opening, or modification of any sealed source shall be performed only by persons specifically authorized to do so by the ~~division~~department, the U.S. Nuclear Regulatory Commission, an agreement state, or a licensing state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter A. Requirements for Personnel Safety

§2020. Training Requirements

* * *

[See Prior Text in A]

1. received, in a course recognized by the ~~division~~department, the U.S. Nuclear Regulatory Commission, an Agreement State, or a Licensing State, instruction in the subjects outlined in Appendix A of this Chapter and demonstrated an understanding thereof;

* * *

[See Prior Text in A.2-B.2]

C. The licensee or registrant shall keep and maintain employee training records for inspection by the ~~division~~department for two years following termination of employment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2022. Personnel Monitoring

* * *

[See Prior Text in A]

B. Personnel monitoring records shall be maintained for inspection until the ~~division~~department authorizes disposition.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter B. Precautionary Procedures in Logging and Subsurface Tracer Operations**§2033. Subsurface Tracer Studies**

* * *

[See Prior Text in A]

B. No licensee shall cause the injection of radioactive material into potable aquifers without prior written authorization from the ~~division~~department and any other appropriate state agency.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter C. Radiation Surveys and Records

§2041. Radiation Surveys

* * *

[See Prior Text in A-D]

E. Records required pursuant to LAC 33:XV.2041.A-D shall include the dates, the identification of individual(s) making the survey, the identification of survey instrument(s) used, and an exact description of the location of the survey. Records of these surveys shall be kept and maintained for inspection by the ~~division~~department for two years after completion of the survey.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2042. Documents and Records Required at Field Stations

A. Each licensee or registrant shall keep and maintain, for inspection by the ~~division~~department, the following documents and records for the specific devices and sources used at the field station:

* * *

[See Prior Text in A.1-10]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2043. Documents and Records Required at Temporary Jobsites

A. Each licensee or registrant conducting operations at a temporary jobsite shall have the following documents and records available at that site for inspection by the ~~division~~department:

* * *

[See Prior Text in A.1-5]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter D. Notification**§2051. Notification of Incidents, Abandonment, and Lost Sources**

A. The licensee shall immediately notify the ~~division~~Office of Environmental Compliance by telephone at (225) 765-0160 and subsequently within 30 days by confirmatory letter if the licensee knows or has reason to believe that a sealed source has been ruptured. The letter must designate the well or other location, describe the magnitude and extent of the release of licensed materials, assess the consequences of the rupture, and explain efforts planned or being taken to mitigate these consequences.

* * *

[See Prior Text in B-B.1]

2. notify the ~~division~~Office of Environmental Compliance immediately by telephone at (225) 765-0160 if radioactive contamination is detected at the surface or if the source appears to be damaged and provide a follow-up written report to the ~~division~~department within 30 days of detection.

* * *

[See Prior Text in C-C.1.c]

2. notify the ~~division~~Office of Environmental Compliance by telephone at (225) 765-0160 giving the circumstances of the loss, and request approval of the proposed abandonment procedures; and

3. file a written report with the ~~division~~Office of Environmental Compliance, or e-mail at surveillance@deq.state.la.us within 30 days of the abandonment, setting forth the following information:

* * *

[See Prior Text in C.3.a-D.2.g]

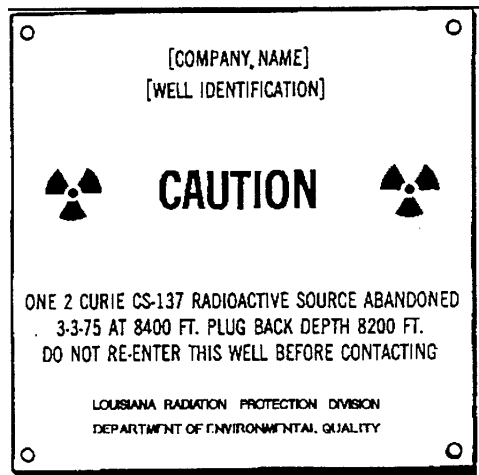
h. an appropriate warning, depending on the specific circumstances of each abandonment. Appropriate warnings may include "Do not drill below plug back depth"; "Do not enlarge casing"; or "Do not re-enter the hole," followed by the words, "before contacting the ~~Louisiana Radiation Protection Division~~Department of Environmental Quality."

E. The licensee shall notify the ~~division~~department of the theft or loss of radioactive materials, radiation overexposure, excessive levels and concentrations of radiation or radioactive materials, and certain other accidents as required by LAC 33:XV.341, 485, 486, and 487.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended LR 21:555 (June 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Appendix B

Example of Plaque for Identifying Wells Containing Sealed Sources of Radioactive Material
Abandoned Downhole

[EDITOR'S NOTE: The text "Louisiana Radiation Protection Division" should be deleted from the above plaque graphic.]

The size of the plaque should be convenient for use on active or inactive wells, e.g., a 7-inch square. Letter size of the word "CAUTION" should be approximately twice the letter size of the rest of the information, e.g., 1/2-inch and 1/4-inch letter size, respectively.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Nuclear Energy Division, LR 13:569 (October 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:34 (January 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part XV. Radiation Protection

Chapter 25. Fee Schedule

§2505. Annual Fees

All activities for which an annual fee is provided shall be subject to the payment of such fee by the due date indicated on the invoice, except that any fee in excess of \$50,000, upon written application to, and approval of, the administrative authority, may be paid in installments over a period not to exceed six months, according to a payment schedule established by the ~~division or the~~ administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:19 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2506. Reciprocal Agreements—Licenses and Registrants

Persons operating within Louisiana under the provisions of LAC 33:XV.212 or LAC 33:XV.390 shall submit to the Office of Environmental Services, Permits Division the annual fee of the applicable category before the first entry into the state. The fee will allow reciprocal recognition of the license for one year from the date of receipt.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2507. Reimbursements

A. One-half of the annual fee will be reimbursed to the licensee or registrant upon receipt of a written request to terminate the license or registration, provided that the request has been received by the ~~division~~Office of Environmental Services, Permits Division within 180 days after the annual fee due date, and the fee has not been delinquent. Requests for termination of the license or registration received after 180 days of the annual fee due date will not entitle the licensee or registrant to reimbursement of any portion of the annual fee. No interest, legal or otherwise, will be paid on the funds withheld prior to reimbursement.

* * *

[See Prior Text in B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2508. Determination of Fee

* * *

[See Prior Text in A-C]

D. Electronic products that are in storage are subject to the same initial application fee and annual maintenance fee unless the X-ray unit is rendered permanently incapable of producing radiation and this fact is documented in writing to the ~~division~~Office of Environmental Services, Permits Division.

* * *

[See Prior Text in E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:718 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:_____ (July 2000), LR 26:**.

Appendix A Radiation Protection Program Fee Schedule		
	Application Fee	Annual Maintenance Fee
* * * [See Prior Text in I-VIII]		
IX. La. Radiation Protection Division <u>Program</u> Laboratory Analysis Fees		
Sample Type	Analysis	Unit Price
* * * [See Prior Text in A-H.*]		

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2001 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Radiation Protection, Radiation Protection Division, LR 18:719 (July 1992), repromulgated LR 18:956 (September 1992), amended LR 19:624 (May 1993), LR 21:792 (August 1995), repromulgated LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.